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**House Concurrent Resolution 106 - Introduced**

HOUSE CONCURRENT RESOLUTION NO. 106

BY KAUFMANN

1 A Concurrent Resolution amending the joint rules of  
2 the Senate and House of Representatives relating  
3 to bills and joint resolutions passed by a  
4 three-fourths vote of the other house.

5 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE  
6 SENATE CONCURRING, That the Joint Rules of the Senate  
7 and House of Representatives, as adopted by the Senate  
8 and House of Representatives during the 2013 Session in  
9 House Concurrent Resolution 5, are amended by adding  
10 the following new rule:

11 Rule 10A

12 First Reading and Commitment of Bill or Joint  
13 Resolution Passed by Three-fourths Vote of Other House  
14 Upon the receipt and first reading of a bill  
15 or joint resolution passed by a vote of at least  
16 three-fourths of all the members elected to the other  
17 house, the presiding officer shall refer the bill or  
18 joint resolution to an appropriate standing committee.  
19 Such a bill or joint resolution shall automatically  
20 be placed on the calendar if the committee does  
21 not report out the bill or joint resolution within  
22 fifteen legislative days. If such a bill or joint  
23 resolution is rereferred to committee or referred  
24 to another committee, the bill or joint resolution  
25 shall automatically be placed on the calendar if  
26 the committee does not report out the bill or joint  
27 resolution within five legislative days. The majority  
28 leader shall call up the bill or joint resolution for

LSB 5553YH (2) 85

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1 debate within fifteen legislative days of its placement  
2 on the calendar. Within fifteen legislative days  
3 of the bill or joint resolution being called up for  
4 debate, all amendments to the bill or joint resolution  
5 shall be considered or disposed of and the bill or  
6 joint resolution shall be read for the last time and  
7 immediately placed upon its final passage. Within  
8 five legislative days of its final passage any motions  
9 to reconsider the bill or joint resolution shall be  
10 disposed of and the bill or joint resolution shall be  
11 returned immediately to the other house.



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House File 2028 - Introduced

HOUSE FILE 2028  
BY MURPHY

A BILL FOR

1 An Act relating to mining of silica sand and including  
2 effective date provisions.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5074YH (2) 85  
tm/nh



Iowa General Assembly  
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H.F. 2028

1 Section 1. SILICA SAND MINING — TEMPORARY MORATORIUM —  
2 ENVIRONMENTAL AND TRANSPORTATION STUDY.

3 1. For purposes of this section, "silica sand" means  
4 well-rounded, sand-sized grains of quartz, also known as  
5 silicon dioxide, with few impurities in terms of other minerals  
6 that is typically used in the process of hydraulic fracturing  
7 of shale. "Silica sand" does not include common rock, stone,  
8 aggregate, gravel, sand with a low quartz level, or silica  
9 compounds recovered as a by-product of metallic mining.

10 2. On or after the effective date of this Act and prior  
11 to July 1, 2016, the department of agriculture and land  
12 stewardship shall not issue a new mining license pursuant to  
13 section 208.7 for an operator to engage in the mining of silica  
14 sand and shall not approve the registration of a new mine site  
15 for silica sand pursuant to section 208.9.

16 3. a. The department of natural resources, the department  
17 of agriculture and land stewardship, and the department of  
18 transportation shall conduct a joint study regarding the mining  
19 of silica sand in this state. The study shall include an  
20 evaluation of the existing and potential effects of silica sand  
21 mining on water quality, air quality, and primary and secondary  
22 road quality. The study shall also include proposed standards  
23 for silica sand mining.

24 b. A report on the study shall be filed with the general  
25 assembly and the governor by July 1, 2015.

26 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of  
27 immediate importance, takes effect upon enactment.

28 EXPLANATION

29 The inclusion of this explanation does not constitute agreement with  
30 the explanation's substance by the members of the general assembly.

31 This bill relates to the mining of silica sand.

32 The bill prohibits the department of agriculture and land  
33 stewardship, on or after the effective date of the bill and  
34 prior to July 1, 2016, from issuing a new mining license for  
35 an operator to engage in the mining of silica sand and from

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H.F. 2028

1 approving the registration of a new mine site for silica sand.  
2 The bill requires the department of natural resources,  
3 the department of agriculture and land stewardship, and the  
4 department of transportation to conduct a joint study regarding  
5 the mining of silica sand in this state. The bill requires the  
6 study to include an evaluation of the existing and potential  
7 effects of silica sand mining on water quality, air quality,  
8 and primary and secondary road quality and proposed standards  
9 for silica sand mining. A report on the study must be filed  
10 with the general assembly and the governor by July 1, 2015.  
11 The bill takes effect upon enactment.



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House File 2029 - Introduced

HOUSE FILE 2029  
BY ISENHART

A BILL FOR

1 An Act relating to a silica sand study.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5483HH (3) 85  
tm/nh





Iowa General Assembly  
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H.F. 2029

1 Section 1. SILICA SAND STUDY. The department of natural  
2 resources shall conduct a study relating to silica sand. The  
3 study shall include the environmental and other impacts of  
4 silica sand mining, processing, storage, and transportation  
5 in this state and the environmental and other impacts on  
6 this state of silica sand mining, processing, storage, and  
7 transportation occurring in adjacent states. By December  
8 1, 2014, the department shall submit a report on the study,  
9 including findings and recommendations, to the general assembly  
10 and the governor.

11 EXPLANATION

12 The inclusion of this explanation does not constitute agreement with  
13 the explanation's substance by the members of the general assembly.

14 This bill relates to a silica sand study.  
15 The bill requires the department of natural resources to  
16 conduct a study relating to silica sand. The study shall  
17 include the environmental and other impacts of silica sand  
18 mining, processing, storage, and transportation in this state  
19 and the environmental and other impacts on this state of silica  
20 sand mining, processing, storage, and transportation occurring  
21 in adjacent states. By December 1, 2014, the department  
22 shall submit a report on the study, including findings and  
23 recommendations, to the general assembly and the governor.



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House File 2030 - Introduced

HOUSE FILE 2030  
BY HEDDENS and KAUFMANN

A BILL FOR

1 An Act relating to the regulation of tanning facilities and  
2 making penalties applicable.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5346YH (1) 85  
jb/rj



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H.F. 2030

1 Section 1. NEW SECTION. 136D.3A Minors' use of tanning  
2 devices prohibited.

3 A tanning facility shall not allow a person under eighteen  
4 years of age to use a tanning device.

5 Sec. 2. Section 136D.4, subsection 1, paragraphs a and b,  
6 Code 2014, are amended to read as follows:

7 a. A warning sign in a conspicuous location without  
8 obstruction and readily visible to persons entering the  
9 establishment. The signs shall comply with rules adopted by  
10 the department.

11 b. A warning sign for each tanning device, in a conspicuous  
12 location without obstruction and readily visible to a person  
13 preparing to use the device. The sign shall comply with rules  
14 adopted by the department.

15 Sec. 3. Section 136D.4, subsection 2, Code 2014, is amended  
16 to read as follows:

17 2. A tanning facility shall provide each customer prior to  
18 use of a tanning device with a written warning statement that  
19 complies with rules adopted by the department.

20 EXPLANATION

21 The inclusion of this explanation does not constitute agreement with  
22 the explanation's substance by the members of the general assembly.

23 This bill relates to tanning facilities and creates new Code  
24 section 136D.3A prohibiting a tanning facility from allowing  
25 individuals under 18 years of age to use a tanning device. The  
26 bill also provides that warning signs be free from obstruction  
27 and that a written warning statement be provided to each  
28 customer prior to use of a tanning device.

29 A tanning facility that violates a provision of Code chapter  
30 136D is subject to a civil penalty and injunctive relief.

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House File 2031 - Introduced

HOUSE FILE 2031

BY HEDDENS, HEATON, STUTSMAN,  
RUFF, MEYER, HUNTER,  
KEARNS, KRESSIG, GASKILL,  
DAWSON, MURPHY, BERRY,  
BACON, and HUSEMAN

A BILL FOR

1 An Act relating to autism spectrum disorders coverage for  
2 certain persons covered under group health insurance plans  
3 for state employees and including applicability provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5248YH (4) 85  
av/nh



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H.F. 2031

1 Section 1. Section 514C.28, subsection 2, paragraph b, Code  
2 2014, is amended to read as follows:  
3 *b. "Autism service provider" means a person, entity, or*  
4 *group ~~providing~~ that designs, supervises, or provides treatment*  
5 *of autism spectrum disorders. An autism service provider that*  
6 *~~designs, supervises, or provides treatment of autism spectrum~~*  
7 *~~disorders that includes applied behavioral analysis shall~~*  
8 *~~be certified as a behavior analyst by the behavior analyst~~*  
9 *~~certification board or shall be a health professional licensed~~*  
10 *~~under chapter 147 or shall be certified as a behavior analyst,~~*  
11 *~~or certified as an assistant behavior analyst working under the~~*  
12 *~~supervision of a certified behavior analyst, by the behavior~~*  
13 *~~analyst certification board. A certified assistant behavior~~*  
14 *~~analyst who works under the supervision of a certified behavior~~*  
15 *~~analyst may implement components of a treatment plan that~~*  
16 *~~include applied behavior analysis.~~*

17 Sec. 2. APPLICABILITY. This Act applies to plans  
18 established pursuant to chapter 509A for employees of the state  
19 that are delivered, issued for delivery, continued, or renewed  
20 in this state on or after January 1, 2015.

21 EXPLANATION

22 The inclusion of this explanation does not constitute agreement with  
23 the explanation's substance by the members of the general assembly.

24 This bill amends Code section 514C.28 which provides autism  
25 spectrum disorders coverage to certain persons under 21 years  
26 of age that are covered under group health insurance plans  
27 established for state employees.

28 The bill provides that an autism service provider includes  
29 an entity as well as a person or group, that designs or  
30 supervises, as well as provides treatment of autism spectrum  
31 disorders. The bill provides that an autism service provider  
32 that designs, supervises, or provides treatment of autism  
33 spectrum disorders that includes applied behavioral analysis  
34 must be certified as a behavior analyst by the behavior  
35 analyst certification board. The bill also provides that an

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1 "autism service provider" includes a person who is certified  
2 by the board as an assistant behavior analyst working under  
3 the supervision of a certified behavior analyst. A certified  
4 assistant behavior analyst who works under the supervision of a  
5 certified behavior analyst is allowed to implement components  
6 of a treatment plan that include applied behavior analysis.

7 The bill is applicable to plans established pursuant to Code  
8 chapter 509A for employees of the state that are delivered,  
9 issued for delivery, continued or renewed in this state on or  
10 after January 1, 2015.



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House File 2032 - Introduced

HOUSE FILE 2032  
BY M. SMITH

A BILL FOR

1 An Act relating to absentee ballot delivery to certain health  
2 care facilities and hospitals.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5395YH (3) 85  
aw/sc



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H.F. 2032

1 Section 1. Section 53.2, subsection 2, Code 2014, is amended  
2 by adding the following new paragraph:

3 NEW PARAGRAPH. *d.* Absentee ballot applications shall  
4 include the following questions in substantially the following  
5 form:

6 RESIDENT OR PATIENT IN A HEALTH CARE FACILITY OR HOSPITAL

7 1. Are you a resident or patient in a health care facility  
8 or hospital?

9 ☐ Yes

10 ☐ No

11 2. If yes, how would you like your absentee ballot  
12 delivered?

13 ☐ I request delivery from two special precinct election  
14 officers.

15 ☐ I request delivery by mail.

16 Sec. 2. Section 53.8, subsection 3, paragraph b, Code 2014,  
17 is amended to read as follows:

18 *b.* (1) If the application is received more than five days  
19 before the ballots are printed and the commissioner has elected  
20 to have the ballots personally delivered during the ten-day  
21 period after the ballots are printed, the commissioner shall  
22 mail to the applicant, if the applicant has not requested that  
23 the absentee ballot be delivered by mail pursuant to section  
24 53.22, subsection 1, paragraph "a", subparagraph (1A), within  
25 twenty-four hours a letter in substantially the following form:

26 Your application for an absentee ballot for the election  
27 to be held on ..... has been received. This ballot will  
28 be personally delivered to you by a bipartisan team sometime  
29 during the ten days after the ballots are printed. If you will  
30 not be at the address from which your application was sent  
31 during any or all of the ten-day period immediately following  
32 the printing of the ballots, the ballot will be personally  
33 delivered to you sometime during the fourteen days preceding  
34 the election. If you will not be at the address from which  
35 your application was sent during either of these time periods,

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1 contact this office and arrangements will be made to have your  
2 absentee ballot delivered at a time when you will be present at  
3 that address.

4 (2) If the application is received more than fourteen  
5 calendar days before the election and the commissioner has not  
6 elected to mail absentee ballots to applicants as provided  
7 under section 53.22, subsection 3, and has not elected to have  
8 the absentee ballots personally delivered during the ten-day  
9 period after the ballots are printed, the commissioner shall  
10 mail to the applicant, if the applicant has not requested that  
11 the absentee ballot be delivered by mail pursuant to section  
12 53.22, subsection 1, paragraph "a", subparagraph (1A), within  
13 twenty-four hours a letter in substantially the following form:

14 Your application for an absentee ballot for the election  
15 to be held on ..... has been received. This ballot will  
16 be personally delivered to you by a bipartisan team sometime  
17 during the fourteen days preceding the election. If you will  
18 not be at the address from which your application was sent  
19 during any or all of the fourteen-day period immediately  
20 preceding the election, contact this office and arrangements  
21 will be made to have your absentee ballot delivered at a time  
22 when you will be present at that address.

23 Sec. 3. Section 53.22, subsection 1, paragraph a,  
24 subparagraph (1), Code 2014, is amended to read as follows:

25 (1) A registered voter who has applied for an absentee  
26 ballot, in a manner other than that prescribed by section  
27 53.10 or 53.11, and who is a resident or patient in a health  
28 care facility or hospital located in the county to which  
29 the application has been submitted shall be delivered the  
30 appropriate absentee ballot by two special precinct election  
31 officers, one of whom shall be a member of each of the  
32 political parties referred to in section 49.13, who shall be  
33 appointed by the commissioner from the election board panel  
34 for the special precinct established by section 53.20. The  
35 special precinct election officers shall be sworn in the manner

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1 provided by section 49.75 for election board members, shall  
2 receive compensation as provided in section 49.20, and shall  
3 perform their duties during the ten calendar days after the  
4 ballots are printed if the commissioner so elects, during the  
5 fourteen calendar days preceding the election, and on election  
6 day if all ballots requested to be personally delivered under  
7 section 53.8, subsection 3, have not previously been delivered  
8 and returned.

9 Sec. 4. Section 53.22, subsection 1, paragraph a, Code 2014,  
10 is amended by adding the following new subparagraph:

11 NEW SUBPARAGRAPH. (1A) Notwithstanding subparagraph (1)  
12 and subsection 3, the commissioner shall, if the applicant so  
13 requests, have the absentee ballot delivered by mail, and the  
14 commissioner shall proceed under section 53.8, subsections 1  
15 and 2.

16 EXPLANATION

17 The inclusion of this explanation does not constitute agreement with  
18 the explanation's substance by the members of the general assembly.

19 Under current law, a resident or patient of a health care  
20 facility or hospital who makes application for an absentee  
21 ballot is, in most circumstances, delivered the ballot by two  
22 special precinct election officials appointed by the county  
23 commissioner of elections. This bill allows an applicant who  
24 is a resident or patient of a health care facility or hospital  
25 to request mail delivery or personal delivery of the ballot.  
26 The bill requires that form applications for an absentee ballot  
27 include certain questions related to whether the applicant is  
28 a resident or patient in a health care facility or hospital  
29 and the applicant's preferred method of ballot delivery if  
30 the applicant is such a resident or patient. The bill makes  
31 corresponding changes related to certain letter notifications  
32 sent by the commissioner to an applicant who is a resident of a  
33 hospital or health care facility.

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House File 2033 - Introduced

HOUSE FILE 2033  
BY HEARTSILL

A BILL FOR

1 An Act relating to parent-taught driver education.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5170YH (4) 85  
dea/nh



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1 Section 1. Section 321.178A, Code 2014, is amended to read  
2 as follows:

3 **321.178A Driver Parent-taught driver education — ~~teaching~~**  
4 **parent.**

5 1. ~~Teaching parent~~ Instruction by qualified parent. As an  
6 alternative to the driver education requirements under section  
7 321.178, a ~~teaching~~ qualified parent may instruct a student in  
8 a driver education course that meets the requirements of this  
9 section and provide evidence that the requirements under this  
10 section have been met.

11 2. *Definitions*. For purposes of this section:

12 a. *"Approved course"* means driver education curriculum  
13 approved by the department pursuant to rules adopted under  
14 chapter 17A. An approved course shall, at a minimum, meet  
15 the requirements of subsection 3 and be appropriate for  
16 ~~teaching parent-directed~~ parent-directed driver education  
17 and related street or highway instruction. Driver education  
18 materials that meet or exceed standards established by the  
19 department for an approved course in driver education for a  
20 public or private school shall be approved unless otherwise  
21 determined by the department. The list of approved courses  
22 shall be posted on the department's internet site.

23 b. ~~"Student"~~ means ~~a person between the ages of fourteen~~  
24 ~~and twenty-one years who is within the custody and control of~~  
25 ~~the teaching parent and who satisfies preliminary licensing~~  
26 ~~requirements of the department.~~

27 c. b. ~~"Teaching parent"~~ "Qualified parent" means a person  
28 who is a parent, guardian, or legal custodian of a student who  
29 is currently providing competent private instruction to the  
30 student pursuant to section 299A.2 or 299A.3 and who provided  
31 such instruction to the student during the previous year; who,  
32 provided that the person has a valid driver's license, other  
33 than a motorized bicycle license or a temporary restricted  
34 license, that permits unaccompanied driving; and who the person  
35 has maintained a clear driving record for the previous two

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1 years. For purposes of this paragraph, "*clear driving record*"  
2 means the individual has not been identified as a candidate  
3 for suspension or revocation of a driver's license under the  
4 habitual violator or habitual offender provisions of the  
5 department's regulations; is not subject to a driver's license  
6 suspension, revocation, denial, cancellation, disqualification,  
7 or bar; and has no record of a conviction for a moving traffic  
8 violation determined to be the cause of a motor vehicle  
9 accident.

10 c. "*Student*" means a person between the ages of fourteen  
11 and twenty-one years who is within the custody and control of  
12 the qualified parent and who satisfies preliminary licensing  
13 requirements of the department.

14 3. *Course of instruction.*

15 a. An approved course administered by a ~~teaching~~ qualified  
16 parent shall consist of but not be limited to the following:

17 (1) Thirty clock hours of classroom instruction.

18 (2) Forty hours of street or highway driving including  
19 four hours of driving after sunset and before sunrise while  
20 accompanied by the ~~teaching~~ qualified parent.

21 (3) Four hours of classroom instruction concerning  
22 substance abuse.

23 (4) A minimum of twenty minutes of instruction concerning  
24 railroad crossing safety.

25 (5) Instruction relating to becoming an organ donor under  
26 the revised uniform anatomical gift Act as provided in chapter  
27 142C.

28 (6) Instruction providing an awareness about sharing the  
29 road with bicycles and motorcycles.

30 b. The content of the course of instruction required under  
31 this subsection shall be equivalent to that required under  
32 section 321.178. However, reference and study materials,  
33 physical classroom requirements, and extra vehicle safety  
34 equipment required for instruction under section 321.178 shall  
35 not be required for the course of instruction provided under



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1 this section.

2 4. *Course completion and certification.* Upon application  
3 by a student for an intermediate license, the ~~teaching~~  
4 qualified parent shall provide evidence showing the student's  
5 completion of an approved course and substantial compliance  
6 with the requirements of subsection 3 by affidavit signed by  
7 the ~~teaching~~ qualified parent on a form to be provided by the  
8 department. The evidence shall include all of the following:

9 a. Documentation that the instructor is a ~~teaching~~ qualified  
10 parent as defined in subsection 2.

11 ~~b. Documentation that the student is receiving competent~~  
12 ~~private instruction under section 299A.2 or the name of~~  
13 ~~the school district within which the student is receiving~~  
14 ~~instruction under section 299A.3.~~

15 ~~c.~~ b. The name of the approved course completed by the  
16 student.

17 ~~d.~~ c. An affidavit attesting to satisfactory completion of  
18 course work and street or highway driving instruction.

19 ~~e.~~ d. Copies of written tests completed by the student.

20 ~~f.~~ e. A statement of the number of classroom hours of  
21 instruction.

22 ~~g.~~ f. A log of completed street or highway driving  
23 instruction including the dates when the lessons were  
24 conducted, the student's and the ~~teaching~~ qualified parent's  
25 name and initials noted next to each entry, notes on driving  
26 activities including a list of driving deficiencies and  
27 improvements, and the duration of the driving time for each  
28 session.

29 5. *Intermediate license.* Any student who successfully  
30 completes an approved course as provided in this section,  
31 passes a driving test to be administered by the department,  
32 and is otherwise qualified under section 321.180B, subsection  
33 2, shall be eligible for an intermediate license pursuant  
34 to section 321.180B. Twenty of the forty hours of street  
35 or highway driving instruction required under subsection 3,

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dea/nh

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1 paragraph "a", subparagraph (2), may be used to satisfy the  
2 requirement of section 321.180B, subsection 2.

3 6. *Full license.* A student must comply with section  
4 321.180B, subsection 4, to be eligible for a full driver's  
5 license pursuant to section 321.180B.

6 EXPLANATION

7 The inclusion of this explanation does not constitute agreement with  
8 the explanation's substance by the members of the general assembly.

9 Current law allows a parent, guardian, or legal custodian  
10 of a student who is providing competent private instruction  
11 to that student to teach the student driver education,  
12 provided the person has a valid driver's license that permits  
13 unaccompanied driving and has a clear driving record for the  
14 previous two years. This bill expands the current law to allow  
15 any qualified parent to teach driver education to that parent's  
16 child. "Qualified parent" is defined to include a parent,  
17 guardian, or legal custodian of a student, provided the person  
18 has a valid driver's license that permits unaccompanied driving  
19 and has a clear driving record for the previous two years.

20 The requirements for a driver education course taught by a  
21 qualified parent are the same as the requirements currently  
22 applicable to a course taught by a teaching parent. The  
23 classroom instruction requirements for the alternative course  
24 of instruction are substantially the same as for an approved  
25 course of instruction offered by a public school district or  
26 private or commercial driver education school, with additional  
27 requirements for 40, rather than 20, hours of street or highway  
28 driving including night driving. The course of instruction  
29 must be a course approved by the department of transportation  
30 by rule and use driver education materials that meet or  
31 exceed standards established for driver education courses  
32 approved for public or private schools. A list of approved  
33 courses is to be posted on the department of transportation's  
34 internet site. In order for the student to qualify for an  
35 intermediate driver's license, the qualified parent is required

LSB 5170YH (4) 85

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dea/nh

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1 to document substantial compliance with the driver education  
2 course requirements and furnish an affidavit attesting to the  
3 student's satisfactory completion of the course work and street  
4 or highway driving to the department of education.





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House File 2034 - Introduced

HOUSE FILE 2034

BY RUFF, HUNTER, STECKMAN,  
LUNDBY, MURPHY,  
DAWSON, STAED, MEYER,  
WESSEL-KROESCHELL,  
STUTSMAN, BEARINGER,  
DUNKEL, KELLEY, GASKILL,  
HANSON, and LENSING

A BILL FOR

1 An Act relating to tobacco products, and making penalties  
2 applicable.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5233YH (7) 85  
pf/rj



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H.F. 2034

1 Section 1. Section 453A.1, Code 2014, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 23A. "*Smoking simulation device*" means  
4 a device, however powered including by a mechanical heating  
5 element, battery, or electronic circuit, and any cartridge,  
6 atomizer, component, part, or accessory of the device, that  
7 can be used to orally deliver to a person using the device,  
8 nicotine or other substance irrespective of its potency or  
9 material state or whether flavored, adulterated, or mixed with  
10 other ingredients, and irrespective of whether actual smoke or  
11 another resulting substance is inhaled, exhaled, emitted, or  
12 otherwise produced or consumed. "*Smoking simulation device*"  
13 includes but is not limited to an electronic cigarette, an  
14 electronic cigar, an electronic cigarillo, an electronic pipe,  
15 and an electronic hookah.

16 Sec. 2. Section 453A.1, subsection 26, Code 2014, is amended  
17 to read as follows:

18 26. "*Tobacco products*" means any product, or component,  
19 part, or accessory of such product, containing, made in  
20 whole or in part from, ordinarily derived from, or designed  
21 to deliver tobacco, a tobacco substitute, or nicotine, and  
22 intended for human consumption whether by chewing, absorbing,  
23 dissolving, inhaling, snorting, sniffing, ingesting, or  
24 vaporizing or by any other means. "*Tobacco products*" includes  
25 but is not limited to smoking simulation devices; cigars;  
26 little cigars as defined in section 453A.42, subsection 5;  
27 cheroots; stogies; periques; granulated; plug cut, crimp cut,  
28 ready rubbed, and other smoking tobacco; snuff, snuff flour;  
29 cavendish; plug and twist tobacco; fine-cut and other chewing  
30 tobaccos; shorts; or refuse scraps, clippings, cuttings and  
31 sweepings of tobacco; and other kinds and forms of tobacco  
32 prepared in such manner as to be suitable for chewing or  
33 smoking in a pipe or otherwise, or both for chewing and  
34 smoking; but does not mean include cigarettes. "*Tobacco*  
35 products" includes tobacco products as defined under the

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pf/rj

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1 federal Food, Drug, and Cosmetic Act, as amended, but does  
2 not include any tobacco product that has been approved by the  
3 United States food and drug administration solely for sale as a  
4 tobacco cessation product or for other medical purposes, and is  
5 marketed and sold solely for such an approved purpose.

6 Sec. 3. Section 453A.36A, subsection 1, Code 2014, is  
7 amended to read as follows:

8 1. ~~Beginning January 1, 1999, except~~ Except as provided in  
9 section 453A.36, subsection 6, a retailer as defined in section  
10 453A.1 or 453A.42 shall not sell or offer for sale cigarettes  
11 or tobacco products, ~~in a quantity of less than a carton,~~  
12 through the use of a self-service display.

13 Sec. 4. Section 453A.39, Code 2014, is amended by adding the  
14 following new subsection:

15 NEW SUBSECTION. 3. As used in this section, manufacturer,  
16 distributor, wholesaler, retailer, and distributing agent mean  
17 the same as defined in sections 453A.1 and 453A.42.

18 Sec. 5. Section 453A.42, subsection 15, Code 2014, is  
19 amended to read as follows:

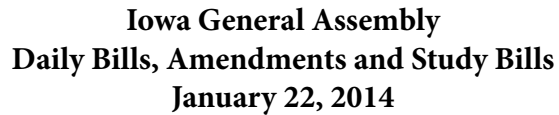
20 15. "Tobacco products" means any product, or component,  
21 part, or accessory of such product, containing, made in  
22 whole or in part from, ordinarily derived from, or designed  
23 to deliver tobacco, a tobacco substitute, or nicotine, and  
24 intended for human consumption whether by chewing, absorbing,  
25 dissolving, inhaling, snorting, sniffing, ingesting, or  
26 vaporizing, or by any other means. "Tobacco products" includes  
27 but is not limited to smoking simulation devices; cigars;  
28 little cigars as defined herein; cheroots; stogies; periques;  
29 granulated, plug cut, crimp cut, ready rubbed, and other  
30 smoking tobacco; snuff; snuff flour; cavendish; plug and twist  
31 tobacco; fine-cut and other chewing tobaccos; shorts; refuse  
32 scraps, clippings, cuttings and sweepings of tobacco; and  
33 other kinds and forms of tobacco, prepared in such manner as  
34 to be suitable for chewing or smoking in a pipe or otherwise,  
35 or both for chewing and smoking; but shall does not include

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pf/rj

2/4



1 cigarettes as defined in section 453A.1, subsection 3. "Tobacco  
2 products" includes tobacco products as defined under the  
3 federal Food, Drug, and Cosmetic Act, as amended, but does  
4 not include any tobacco product that has been approved by the  
5 United States food and drug administration solely for sale as a  
6 tobacco cessation product or for other medical purposes, and is  
7 marketed and sold solely for such an approved purpose.

10 Notwithstanding any provision to the contrary in this  
11 division, the imposition of a tax on and affixing of stamps to  
12 any other tobacco product under this division shall not apply  
13 to smoking simulation devices.

17 This bill relates to tobacco products.

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1 part, or accessory of the device, that can be used to orally  
2 deliver to a person using the device, nicotine or other  
3 substance irrespective of its potency or material state or  
4 whether flavored, adulterated, or mixed with other ingredients,  
5 and irrespective of whether actual smoke or another resulting  
6 substance is inhaled, exhaled, emitted, or otherwise produced  
7 or consumed. "Smoking simulation device" includes but is not  
8 limited to an electronic cigarette, an electronic cigar, an  
9 electronic cigarillo, an electronic pipe, and an electronic  
10 hookah.

11 The bill amends the provision under Code chapter 453A  
12 relating to self-service sales of cigarettes or tobacco  
13 products which currently is limited to those in a quantity of  
14 less than a carton, to apply to any amount.

15 Current Code provisions relating to retailers,  
16 manufacturers, distributors, wholesalers, distributing agents  
17 or their agents; and current Code provisions relating to  
18 restrictions on the use and possession of tobacco products  
19 by minors, and on the sale, giving, or supplying of tobacco  
20 products to minors and the supplying of samples of tobacco  
21 products to minors apply to the expanded definitions of tobacco  
22 products including smoking simulation devices. However,  
23 smoking simulation devices are exempted from the tax and  
24 affixing of stamps requirements otherwise applicable to tobacco  
25 products.

26 Current civil and criminal penalties as well as license  
27 revocation provisions are applicable to individuals and those  
28 holding tobacco product permits who violate provisions relating  
29 to tobacco products as defined under the bill.



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House File 2035 - Introduced

HOUSE FILE 2035  
BY WESSEL-KROESCHELL

A BILL FOR

1 An Act requiring the provision of contact information on  
2 mortgage-related correspondence, and making penalties  
3 applicable.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5045YH (3) 85  
rn/sc



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H.F. 2035

1 Section 1. Section 535B.11, Code 2014, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 8. Provide complete and current contact  
4 information, including a department name, hours of operation,  
5 telephone number, mailing address, and electronic mail address,  
6 on all written and verbal communication or correspondence  
7 originating from the licensee or other mortgagee to the  
8 mortgagor.

9 EXPLANATION

10 The inclusion of this explanation does not constitute agreement with  
11 the explanation's substance by the members of the general assembly.

12 This bill relates to communications between a mortgagee  
13 servicing mortgages on residential real estate in Iowa and  
14 mortgagors whose real property is the subject of the mortgage.

15 The bill requires a licensee or other mortgagee to provide  
16 complete and current contact information, including a  
17 department name, hours of operation, telephone number, mailing  
18 address, and electronic mail address, on all written and  
19 verbal communication or correspondence originating from the  
20 licensee or mortgagee to the mortgagor. Failure to provide  
21 this information could subject the licensee or mortgagee to  
22 the penalty provisions of Code section 535B.13, including but  
23 not limited to a civil penalty in the amount of \$5,000 per  
24 violation.

25 By operation of Code section 535B.2, the bill applies to  
26 certain persons and entities otherwise exempt from Code chapter  
27 535B.



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House File 2036 - Introduced

HOUSE FILE 2036  
BY GRASSLEY

A BILL FOR

1 An Act relating to the implementation of federal law or policy  
2 by state administrative agencies.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5733YH (1) 85  
jr/sc





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H.F. 2036

1 Section 1. NEW SECTION. 7E.8 Implementation of federal law  
2 or policy.

3 1. Except as otherwise explicitly established by state law,  
4 a state administrative agency charged with the implementation  
5 of federal law or policy shall not exceed the specific  
6 requirements of that law or policy.

7 2. Any state administrative agency rule or policy that is in  
8 violation of subsection 1 is void.

9 EXPLANATION

10 The inclusion of this explanation does not constitute agreement with  
11 the explanation's substance by the members of the general assembly.

12 This bill provides that state implementation of federal law  
13 or policy by a state administrative agency shall not exceed  
14 the specific requirements of the federal law or policy, except  
15 as specifically allowed by state law. Any rule or policy in  
16 violation of this requirement is void.



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House File 2037 - Introduced

HOUSE FILE 2037  
BY HEARTSILL

A BILL FOR

1 An Act requiring the department of education to convene a work  
2 group for streamlining the public school administration  
3 system in Iowa.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5338YH (3) 85  
kh/nh



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H.F. 2037

1 Section 1. DEPARTMENT OF EDUCATION WORK GROUP —  
2 STREAMLINING OF PUBLIC SCHOOL ADMINISTRATION SYSTEM. The  
3 department of education shall convene a work group of education  
4 stakeholders, including but not limited to the Iowa association  
5 of school boards, the school administrators of Iowa, and  
6 representatives of Iowa's area education agencies and approved  
7 administrator preparation programs to review the public school  
8 administration system in order to develop a comprehensive  
9 proposal to reduce paperwork, red tape, duplication, and  
10 bureaucracy to allow administrators to focus their efforts  
11 as instructional leaders on improving teaching and learning  
12 activities and outcomes. The review shall encompass  
13 federal, state, and professional requirements applicable to  
14 administrators. The work group shall identify opportunities  
15 for streamlining regulatory and reporting requirements. The  
16 department of education shall provide staffing services for  
17 the work group. The work group shall submit its findings,  
18 recommendations, and comprehensive proposal in a report to  
19 the state board of education, the governor, and the general  
20 assembly by December 15, 2014.

21 EXPLANATION

22 The inclusion of this explanation does not constitute agreement with  
23 the explanation's substance by the members of the general assembly.

24 The bill directs the department of education to convene  
25 a work group of education stakeholders, including but not  
26 limited to the Iowa association of school boards, the school  
27 administrators of Iowa, and representatives of Iowa's area  
28 education agencies and approved administrator preparation  
29 programs to review the public school administration system in  
30 order to develop a comprehensive proposal to reduce paperwork,  
31 red tape, duplication, and bureaucracy to allow administrators  
32 to focus their efforts as instructional leaders on improving  
33 teaching and learning activities and outcomes. The review  
34 shall encompass federal, state, and professional requirements  
35 applicable to administrators. The work group shall identify

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1 opportunities for streamlining regulatory and reporting  
2 requirements. The department shall provide staffing services  
3 for the work group. The work group shall submit its findings,  
4 recommendations, and comprehensive proposal in a report to  
5 the state board of education, the governor, and the general  
6 assembly by December 15, 2014.



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**House File 2038 - Introduced**

HOUSE FILE 2038  
BY HEARTSILL

**A BILL FOR**

1 An Act relating to duties of the school finance formula review  
2 committee and including effective date provisions.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5339YH (3) 85  
md/sc

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H.F. 2038

1 Section 1. SCHOOL FINANCE FORMULA REVIEW COMMITTEE  
2 — DUTIES. The school finance formula review committee  
3 established pursuant to section 257.1, subsection 4, shall, as  
4 part of its next five-year review and as part of its report  
5 required to be submitted to the general assembly no later  
6 than January 1, 2015, examine the potential for using the  
7 department of education's electronic access system for Iowa  
8 education records, or a similar system, to determine actual  
9 student attendance for purposes of school district funding  
10 under chapter 257.

11     Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of  
12 immediate importance, takes effect upon enactment.

13 EXPLANATION

14 The inclusion of this explanation does not constitute agreement with  
15 the explanation's substance by the members of the general assembly.

16 This bill requires the school finance formula review  
17 committee to examine the potential for using the department  
18 of education's electronic access system for Iowa education  
19 records, or a similar system, to determine actual student  
20 attendance for purposes of school district funding. Such  
21 examination is required to be part of the committee's next  
22 five-year review and part of its report that is to be submitted  
23 to the general assembly no later than January 1, 2015.  
24 The bill takes effect upon enactment.



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House File 2039 - Introduced

HOUSE FILE 2039

BY H. MILLER, HIGHFILL,  
S. OLSON, OURTH, SCHULTZ,  
HAGENOW, LUNDBY, WOOD,  
DAWSON, RUNNING-MARQUARDT,  
STAED, STECKMAN,  
WESSEL-KROESCHELL, OLDSON,  
RIDING, MURPHY, BEARINGER,  
STUTSMAN, MEYER, HEDDENS,  
KELLEY, GASKILL, PRICHARD,  
THEDE, KEARNS, THOMAS,  
WOLFE, KRESSIG, LENSING,  
WINCKLER, and HUNTER

A BILL FOR

1 An Act establishing a notification requirement for mammogram  
2 reports and written statements to patients.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5207YH (3) 85  
ad/nh



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H.F. 2039

1 Section 1. Section 136C.3, subsection 10, Code 2014, is  
2 amended to read as follows:

3 10. a. Adopt rules specifying the minimum training and  
4 performance standards for an individual using a radiation  
5 machine for mammography, and other rules necessary to  
6 implement section 136C.15. The rules shall complement federal  
7 requirements applicable to similar radiation machinery and  
8 shall not be less stringent than those federal requirements.

9 b. (1) Adopt rules to require that, by January 1, 2015, a  
10 facility where mammography services are performed shall include  
11 information on breast density in mammogram reports sent to  
12 referring physicians and written statements sent to patients  
13 pursuant to regulations implementing the federal Mammography  
14 Quality Standards Act of 1992, Pub. L. No. 102-539, as amended.  
15 A written statement sent to a patient shall include information  
16 that identifies the patient's individual breast tissue  
17 classification based on the breast imaging reporting and data  
18 system established by the American college of radiology. If  
19 the interpreting physician, based on standards promulgated by  
20 the American college of radiology, determines that a patient  
21 has heterogeneously or extremely dense breasts, the written  
22 statement of the mammography report shall also include the  
23 following language:

24 Your mammography indicates that you have dense breast tissue.  
25 Dense breast tissue is relatively common and is found in forty  
26 percent of women. The presence of dense tissue makes it more  
27 difficult to detect cancers in the breast and may be associated  
28 with an increased risk of breast cancer. We are providing this  
29 information to raise your awareness of this important factor  
30 and to encourage you to discuss with your health care providers  
31 your dense breast tissue and other breast cancer risk factors.  
32 Together, you can decide which screening options are right for  
33 you. A report of your results was sent to your physician.

34 (2) Nothing in this paragraph "b" shall be construed to  
35 create or impose liability on a facility where mammography

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ad/nh

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1 services are performed beyond the duty to provide the  
2 information set forth in this paragraph "b".  
3 (3) Nothing in this paragraph "b" shall be deemed to require  
4 a notice or the provision of information that is inconsistent  
5 with the provisions of the federal Mammography Quality  
6 Standards Act of 1992, Pub. L. No. 102-539, as amended, or any  
7 regulations promulgated pursuant to that Act.

8 EXPLANATION

9 The inclusion of this explanation does not constitute agreement with  
10 the explanation's substance by the members of the general assembly.

11 This bill establishes a notification requirement for  
12 mammogram reports and written statements to patients. The bill  
13 directs the department of public health to adopt rules that  
14 require a facility performing mammography services to include  
15 information on breast density in reports sent to referring  
16 physicians and written statements sent to patients pursuant to  
17 federal law and rules. If a patient has dense breast tissue,  
18 as determined by the interpreting physician based on standards  
19 promulgated by the American college of radiology, the written  
20 statement must contain a notice with the language provided in  
21 the bill. The notice informs the patient that the mammogram  
22 demonstrates the patient has dense breast tissue and encourages  
23 the patient to contact health care providers to determine risk  
24 factors and screening options.

25 The bill's provisions are not to be construed to impose  
26 liability on the facility performing mammography services  
27 beyond the duty to provide the breast density information.

28 Facilities providing mammography services must comply with  
29 the bill's requirements by January 1, 2015.



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**House File 2040 - Introduced**

HOUSE FILE 2040  
BY HEARTSILL

**A BILL FOR**

1 An Act relating to identification requirements for recipients  
2 of the federal food assistance program through the  
3 electronic benefits transfer program.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5273YH (2) 85  
jp/nh



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H.F. 2040

1 Section 1. Section 234.12A, Code 2014, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 4. The department of human services'  
4 requirements for the electronic benefits transfer program  
5 used to provide food assistance program cash assistance  
6 shall provide that if the card or other benefit transfer  
7 instrument may be used by more than one member of a family or  
8 household, the card or other instrument shall bear the name  
9 of each user. In addition, an individual using the card or  
10 other instrument to access benefits shall be required to show  
11 photo identification matching the name on the card or other  
12 instrument.

13 EXPLANATION

14 The inclusion of this explanation does not constitute agreement with  
15 the explanation's substance by the members of the general assembly.

16 This bill relates to identification requirements for  
17 recipients of the federal food assistance program through the  
18 electronic benefits transfer program.

19 Code section 234.12A, relating to the electronic benefits  
20 transfer program maintained by the department of human services  
21 for the food assistance program, is amended. The bill provides  
22 that if a card or other benefit transfer instrument under the  
23 program may be used by more than one member of a family or  
24 household, the card or other instrument is required to bear  
25 the name of each user. In addition, an individual using the  
26 card or instrument to access benefits is required to show  
27 photo identification matching the name on the card or other  
28 instrument.



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House File 2041 - Introduced

HOUSE FILE 2041  
BY HEARTSILL

A BILL FOR

1 An Act requiring various actions by applicants for and  
2 participants in certain public assistance programs  
3 administered by the department of human services.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5265YH (5) 85  
jp/nh



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H.F. 2041

1 Section 1. NEW SECTION. 217.6A Public assistance program  
2 eligibility requirements.

3 1. For the purposes of this section, "*public assistance*  
4 *programs*" means the family investment, food assistance, and  
5 medical assistance programs administered by the department of  
6 human services.

7 2. The administrative rules adopted for the public  
8 assistance programs by the department shall require all of the  
9 following as a condition of eligibility for an applicant or  
10 participant to receive the public assistance:

11 a. Provision of a work history and participation in required  
12 work-related activities. If an applicant or participant  
13 is not employed or participating in education, training,  
14 or work-related activities approved by the department,  
15 the department shall require the individual to participate  
16 in public work activity. The department shall select an  
17 individual's public work activity based upon the department's  
18 assessment of the individual's skills and work experience.  
19 The public work activities may include but are not limited to  
20 working at a local school, for a child care provider, or at a  
21 public library, or providing maintenance and trash removal on  
22 public trails or roads.

23 b. Possession of a high school diploma or high school  
24 equivalency diploma, or engagement in educational activities to  
25 attain such a diploma.

26 c. (1) If not otherwise prohibited by law, agreement to  
27 participate in random testing for controlled substance use in  
28 accordance with this paragraph "c". If there is a positive test  
29 result indicating the use of a controlled substance that is  
30 not authorized by a qualified health care provider, provided  
31 other eligibility requirements are met, a participant shall be  
32 subject to a probation period. An applicant with a positive  
33 test result who meets other eligibility requirements shall  
34 be conferred participant status but is also subject to the  
35 probation period. Scheduled testing for controlled substance

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jp/nh

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1 use shall be required during the probation period. The time  
2 frame for the probation period shall be at least three months.  
3 The department shall specify the time frame, scheduled testing,  
4 and other requirements for the probation period in rule.

5 (2) If there is a second positive test result, the  
6 department shall require action by the participant to address  
7 the controlled substance use and continued scheduled testing  
8 shall be required during and subsequent to completion of the  
9 action required.

10 (3) If a participant does not comply with the required  
11 action under subparagraph (2) or there is a subsequent positive  
12 test result, the participant shall be suspended from receiving  
13 public assistance program benefits until the participant is  
14 compliant or there is a negative test result for the use of a  
15 controlled substance. A participant who completes a suspension  
16 period shall be subject to further testing for controlled  
17 substance use while receiving program benefits.

18 (4) The results of a test for controlled substance use  
19 performed in accordance with this paragraph "c" shall not be  
20 admissible in any criminal proceeding without the consent of  
21 the person subject to the test.

22 EXPLANATION

23 The inclusion of this explanation does not constitute agreement with  
24 the explanation's substance by the members of the general assembly.

25 This bill requires various actions by applicants and  
26 participants in certain public assistance programs administered  
27 by the department of human services. The public assistance  
28 programs addressed by the bill are the family investment, food  
29 assistance, and medical assistance (Medicaid) programs.

30 The administrative rules adopted by the department for the  
31 public assistance programs are to require, as a condition of  
32 eligibility for the programs, an applicant or participant to  
33 provide a work history and participate in various work-related  
34 activities, possess a high school diploma or equivalent or be  
35 engaged in activities to attain such diploma, and be subject

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jp/nh

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1 to random drug testing.

2 If there is a positive drug test result indicating the  
3 use of a controlled substance that is not authorized by a  
4 qualified health care provider, provided other eligibility  
5 requirements are met, eligibility remains for participants and  
6 participant status is granted for applicants but a probation  
7 period is required. During the probation period, scheduled  
8 testing for use of a controlled substance is required. If  
9 there is a second positive test result, action is required  
10 by the participant to address the controlled substance use  
11 and continued scheduled testing shall be required during and  
12 subsequent to completion of the action required.

13 A participant who does not comply with the required action  
14 or has a subsequent positive test result is suspended from  
15 receiving public assistance program benefits until the  
16 participant is compliant or there is a negative test result  
17 for the use of a controlled substance. A participant who  
18 completes a suspension period is subject to further testing for  
19 controlled substance use while receiving program benefits.

20 The results of a test for controlled substance use are not  
21 admissible in any criminal proceeding without the consent of  
22 the person subject to the test.



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House File 2042 - Introduced

HOUSE FILE 2042  
BY HEARTSILL

(COMPANION TO SF 2025 BY  
SINCLAIR)

A BILL FOR

1 An Act relating to the opening of certain adoption records.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TL5B 5571YH (2) 85  
pf/rj





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H.F. 2042

1 Section 1. Section 600.16A, subsection 4, Code 2014, is  
2 amended to read as follows:  
3 4. An adopted person whose adoption became final prior to  
4 July 4, 1941, and whose adoption record was not required to  
5 be sealed at the time when the adoption record was completed,  
6 shall not be required to show good cause may file an affidavit  
7 for an order opening the adoption record under this subsection,  
8 provided that the juvenile court or court shall consider any  
9 affidavit filed under this subsection section, without being  
10 required to show good cause, if the adoption became final at  
11 least forty years prior to the filing of the affidavit.

12 EXPLANATION

13 The inclusion of this explanation does not constitute agreement with  
14 the explanation's substance by the members of the general assembly.

15 This bill amends a provision regarding the opening of  
16 adoption records. The current provision allows that if an  
17 adopted person's adoption became final prior to July 4, 1941,  
18 and the adoption record was not required to be sealed at the  
19 time when the adoption record was completed, the person is not  
20 required to show good cause for an order opening the adoption  
21 record provided the juvenile court or court considers any  
22 affidavit filed regarding the opening of the adoption record.  
23 The bill instead provides that an adopted person may file an  
24 affidavit for an order opening the adoption record, without  
25 being required to show good cause, if the adoption became final  
26 at least 40 years prior to the filing of the affidavit.



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House File 2043 - Introduced

HOUSE FILE 2043  
BY HEARTSILL

A BILL FOR

1 An Act relating to the establishment, maintenance, and funding  
2 of emergency warning systems by townships and certain  
3 counties.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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aw/sc



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1 Section 1. Section 331.385, Code 2014, is amended to read  
2 as follows:

3 **331.385 Powers and duties relating to emergency services.**

4 1. A county may, by resolution, assume the exercise of  
5 the powers and duties of township trustees relating to fire  
6 protection service, emergency warning systems, and emergency  
7 medical service for any township located in the unincorporated  
8 area of the county.

9 2. The board of supervisors shall publish notice of the  
10 proposed resolution, and of a public hearing to be held on the  
11 proposed resolution, in a newspaper of general circulation  
12 in the county at least ten days but no more than twenty days  
13 before the date of the public hearing. If, after notice and  
14 hearing, the resolution is adopted, the board of supervisors  
15 shall assume the exercise of the powers and duties of township  
16 trustees relating to fire protection service, emergency warning  
17 systems, and emergency medical service as set forth in sections  
18 359.42 through 359.45.

19 3. All of the real and personal township property used to  
20 provide fire protection service, emergency warning systems, or  
21 emergency medical service shall be transferred to the county.  
22 The county shall assume all of the outstanding obligations of  
23 the township relating to fire protection service, emergency  
24 warning systems, or emergency medical service. If the township  
25 provides fire protection outside of the county's boundaries,  
26 the county shall continue to provide fire protection to this  
27 area for at least ninety days after adoption of the resolution.

28 4. Fire protection service, emergency warning systems, and  
29 emergency medical service shall be paid from the emergency  
30 services fund of the county authorized in section 331.424C.

31 5. a. Notwithstanding subsection 1, if as of July 1,  
32 2006, a township has in force an agreement entered into  
33 pursuant to chapter 28E for a city or another township to  
34 provide fire protection service or fire protection service,  
35 emergency warning systems, and emergency medical service for

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1 the township, or if a township is otherwise contracting with  
2 a city or another township for provision to the township of  
3 fire protection service or fire protection service, emergency  
4 warning systems, and emergency medical service, the county  
5 board of supervisors shall, for the fiscal year beginning  
6 July 1, 2007, and subsequent fiscal years, negotiate for and  
7 enter into an agreement pursuant to chapter 28E providing for  
8 continued fire protection service, or fire protection service,  
9 emergency warning systems, and emergency medical service, to  
10 the township, and shall certify taxes for levy in the township,  
11 pursuant to section 331.424C, in amounts sufficient to meet the  
12 financial obligations pertaining to the agreement.

13     **b.** This subsection applies to a county with a population  
14 in excess of three hundred thousand. This subsection does not  
15 prohibit a county with a population in excess of three hundred  
16 thousand from also assuming the powers and duties of township  
17 trustees in accordance with the provisions of subsections 1  
18 through 4, for those townships in the county that are not  
19 subject to paragraph "a".

20     Sec. 2. Section 331.424C, Code 2014, is amended to read as  
21 follows:

22     **331.424C Emergency services fund.**

23     1. A county that is providing fire protection service,  
24 emergency warning systems, or emergency medical service to  
25 a township pursuant to section 331.385 shall establish an  
26 emergency services fund and may certify taxes for levy in  
27 the township not to exceed the amounts authorized in section  
28 359.43. The county has the authority to use a portion of  
29 the taxes levied and deposited in the fund for the purpose  
30 of accumulating moneys to carry out the purposes of section  
31 359.43, subsection 4.

32     2. Expenditures related to emergency warning systems shall  
33 be limited to procuring equipment and services in accordance  
34 with the comprehensive emergency plan adopted pursuant to  
35 section 29C.9, subsection 8, by the local emergency management

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1 commission having jurisdiction within the county.

2 Sec. 3. Section 359.42, Code 2014, is amended to read as  
3 follows:

4 **359.42 Township fire protection service, emergency warning**  
5 **system, and emergency medical service.**

6 1. Except as otherwise provided in section 331.385, the  
7 trustees of each township shall provide fire protection service  
8 for the township, exclusive of any part of the township within  
9 a benefited fire district and may provide emergency medical  
10 service. The trustees may purchase, own, rent, or maintain  
11 fire protection service or emergency medical service apparatus  
12 or equipment or both kinds of apparatus or equipment and  
13 provide housing for the equipment. The trustees of a township  
14 ~~which is located within a county having a population of three~~  
15 ~~hundred thousand or more~~ may also establish and maintain an  
16 emergency warning system within the township. The trustees  
17 may contract with a public or private agency under chapter 28E  
18 for the purpose of providing any service or system required or  
19 authorized under this section.

20 2. Expenditures related to emergency warning systems shall  
21 be limited to procuring equipment and services in accordance  
22 with the comprehensive emergency plan adopted pursuant to  
23 section 29C.9, subsection 8, by the local emergency management  
24 commission having jurisdiction within the township.

25 EXPLANATION

26 The inclusion of this explanation does not constitute agreement with  
27 the explanation's substance by the members of the general assembly.

28 This bill allows the trustees of any township to establish  
29 and maintain an emergency warning system within the township.  
30 Current law limits the establishment and maintenance of such  
31 systems to the trustees of townships located in counties with a  
32 population of 300,000 or more.

33 The bill also allows a county, by resolution, to assume the  
34 powers and duties of township trustees relating to emergency  
35 warning systems for any township located in the unincorporated

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1 area of the county in the same manner that counties are  
2 currently authorized to assume township duties relating to fire  
3 protection and emergency medical service.

4     The bill requires that county and township expenditures  
5 related to emergency warning systems be limited to procuring  
6 equipment and services in accordance with the comprehensive  
7 emergency plan adopted by the local emergency management  
8 commission that has jurisdiction over the county or township.

9     The bill makes additional corresponding changes.



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House Resolution 102 - Introduced

HOUSE RESOLUTION NO. 102

BY MUHLBAUER, M. SMITH, THOMAS, JACOBY, BEARINGER,  
BYRNES, KRESSIG, DUNKEL, ABDUL-SAMAD, STUTSMAN,  
WOLFE, GASKILL, HEDDENS, PRICHARD, LUNDBY,  
OURTH, KEARNS, THEDE, H. MILLER, HUNTER,  
WESSEL-KROESCHELL, WINCKLER, STAED, LENSING, RUFF,  
COHOON, STECKMAN, GAINES, FORBES, KELLEY, LYKAM,  
HALL, OLDSON, ISENHART, RIDING, DAWSON, T. TAYLOR,  
HANSON, GRASSLEY, HEIN, DRAKE, SCHULTZ, WORTHAN,  
COSTELLO, BACON, DEYOE, SODERBERG, KAUFMANN,  
LOFGREN, COWNIE, GUSTAFSON, KLEIN, MAXWELL, HESS,  
WINDSCHITL, MOORE, S. OLSON, ALONS, and BAUDLER

1 A Resolution requesting the United States Congress to  
2 immediately enact a new federal food, farm, and jobs  
3 bill.

4 WHEREAS, the United States Congress regularly  
5 establishes agricultural and food policy in an omnibus  
6 farm bill in a bipartisan spirit of cooperation,  
7 exemplified by the federal Food, Conservation,  
8 and Energy Act of 2008, Pub. L. No. 110-246 which  
9 originally was to expire in 2012, but was extended by  
10 the 112th Congress in the American Taxpayer Relief Act  
11 of 2012, Pub. L. No. 112-240; and

12 WHEREAS, a new food, farm, and jobs bill is  
13 critical to maintaining a strong agricultural  
14 economy and an abundant food supply that benefits  
15 all Americans, including by providing programs  
16 relating to farm commodity support, horticulture,  
17 livestock, conservation, nutrition assistance, trade  
18 and international food aid, agricultural research,



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1 farm credit, rural development, bioenergy, forestry,  
2 and innovative strategies to revitalize this nation's  
3 rural economy by creating jobs in small towns and rural  
4 communities; and

5 WHEREAS, in Iowa, agricultural producers have faced  
6 a multitude of disasters, including drought, flood,  
7 and blizzard conditions which have been alleviated by  
8 disaster assistance under farm bill programs; and

9 WHEREAS, during 2013, the United States Senate  
10 and House of Representatives have been engaged in  
11 prolonged negotiations to enact a new food, farm, and  
12 jobs bill that is now in conference committee which is  
13 considering differences between the Senate version,  
14 titled the Agriculture Reform, Food, and Jobs Act  
15 of 2013 (S. 954), and the House version, titled the  
16 Federal Agriculture Reform and Risk Management (FARRM)  
17 Act of 2013 (H.R. 2642); and

18 WHEREAS, without the passage of a new food, farm,  
19 and jobs bill the United States will be subject to  
20 previously enacted permanent law, including commodity  
21 price support statutes effective in 1949; and

22 WHEREAS, the prolonged delay in passing a new  
23 food, farm, and jobs bill has created uncertainty for  
24 agricultural producers and will negatively impact the  
25 nation's overseas trade; and

26 WHEREAS, without the immediate passage of a new  
27 food, farm, and jobs bill consumers will increasingly  
28 suffer economic consequences; NOW THEREFORE,

29 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That  
30 with the reconvening of the United States Congress

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da/rj

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1 after its holiday recess, the United States House of  
2 Representatives and the United States Senate should  
3 enact a new food, farm, and jobs bill with all possible  
4 speed but no later than January 31, 2014; and

5 BE IT FURTHER RESOLVED, That a copy of this  
6 resolution shall be transmitted to the President of  
7 the United States Senate and the Speaker of the United  
8 States House of Representatives; and

9 BE IT FURTHER RESOLVED, That a copy of this  
10 resolution shall be transmitted to the Honorable Debbie  
11 Stabenow, Chairwoman of the Committee on Agriculture,  
12 Nutrition, and Forestry of the United States Senate,  
13 and the Honorable Frank Lucas, Chairman of the  
14 Committee on Agriculture of the United States House of  
15 Representatives; and

16 BE IT FURTHER RESOLVED, That a copy of this  
17 resolution shall be transmitted to each member of the  
18 Iowa congressional delegation; and

19 BE IT FURTHER RESOLVED, That a copy of this  
20 resolution shall be transmitted to the Honorable Tom  
21 Vilsack, Secretary of the United States Department of  
22 Agriculture.

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House Study Bill 516 - Introduced

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON COMMERCE BILL BY  
CHAIRPERSON COWNIE)

A BILL FOR

1 An Act relating to unclaimed life insurance death benefits,  
2 providing penalties, and including effective date  
3 provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1     Section 1. NEW SECTION. **507B.4C Unclaimed life insurance.**  
2     1. *Purpose.* The purpose of this section is to  
3     require complete and proper disclosure, transparency, and  
4     accountability relating to any method of payment for life  
5     insurance death benefits regulated by the commissioner.  
6     2. *Definitions.* As used in this section, unless the context  
7     otherwise requires:  
8     a. "Account owner" means the owner of a retained asset  
9     account who is a resident of this state.  
10    b. "Annuity" means an annuity contract issued in this state.  
11    "Annuity" does not include any annuity contract used to fund an  
12    employment-based retirement plan or program where the insurer  
13    takes direction from the plan sponsor or plan administrator.  
14    c. "Authorized person" means a policy owner, insured,  
15    annuity owner, annuitant, or account holder, as applicable  
16    under a policy, annuity, or retained asset account.  
17    d. "Death master file" means the United States social  
18    security administration's death master file or any other  
19    database or service that is at least as comprehensive as the  
20    United States social security administration's death master  
21    file for determining that a person has died.  
22    e. "Death master file match" means a search of the death  
23    master file that results in a match of an authorized person's  
24    name and social security number or an authorized person's name  
25    and date of birth.  
26    f. "Insurer" means a life insurance company regulated under  
27    chapter 508.  
28    g. "Knowledge of death" means receipt of an original or  
29    valid copy of a certified death certificate or a death master  
30    file match validated by a secondary source by the insurer.  
31    h. "Policy" means any policy or certificate of life  
32    insurance issued in this state. "Policy" does not include any  
33    of the following:  
34    (1) A policy or certificate of life insurance which provides  
35    a death benefit under an employee benefit plan subject to the

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1 federal Employee Retirement Income Security Act of 1974, Pub.  
2 L. No. 93-406, as codified at 29 U.S.C. §1002 et seq.

3 (2) A policy or certificate of life insurance which provides  
4 a death benefit under an employee benefit plan subject to a  
5 federal employee benefit program.

6 (3) A policy or certificate of life insurance which is  
7 used to fund a preneed plan for cemetery merchandise, funeral  
8 merchandise, funeral services, or a combination thereof.

9 (4) A policy or certificate of credit life or accidental  
10 death insurance.

11 (5) A policy issued to a group master policyowner for which  
12 the insurer does not provide recordkeeping services.

13 *i. "Recordkeeping services"* means services provided by an  
14 insurer who has entered into an agreement with a group policy  
15 customer to be responsible for obtaining, maintaining, and  
16 administering in the insurer's own recordkeeping systems at  
17 least all of the following information about each individual  
18 insured under the insured's group insurance contract or a line  
19 of coverage thereunder:

20 (1) Social security number or name and date of birth.

21 (2) Beneficiary designation information.

22 (3) Coverage eligibility.

23 (4) Benefit amount.

24 (5) Premium payment status.

25 *j. "Retained asset account"* means an interest-bearing  
26 account set up by an insurer in the name of the beneficiary of a  
27 policy or annuity upon the death of the insured.

28 3. *Insurer duties.*

29 *a.* For any in-force policy, annuity, or retained asset  
30 account issued for delivery in this state for which the insurer  
31 has not previously been notified of a claim, an insurer shall  
32 perform a comparison of such policy, annuity, or retained asset  
33 account against the death master file, on at least a semiannual  
34 basis, to identify potential death master file matches.

35 (1) An insurer may comply with the requirements of this

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1 subsection by using the full death master file for the initial  
2 comparison and thereafter using the death master file update  
3 files for subsequent comparisons.

4 (2) Nothing in this section shall be interpreted to limit  
5 the right of an insurer to request a valid death certificate as  
6 part of any claims validation process.

7 b. If an insurer learns of the possible death of an  
8 authorized person through a death master file match or  
9 otherwise, the insurer shall, within ninety days, do all of the  
10 following:

11 (1) Complete a good faith effort, which shall be documented  
12 by the insurer, to confirm the death of the authorized person  
13 against other available records and information.

14 (2) Review the insurer's records to determine whether the  
15 deceased authorized person had purchased any other products  
16 from the insurer.

17 (3) Determine whether benefits may be due in accordance with  
18 the applicable policy, annuity, or retained asset account.

19 (4) If the beneficiary or an authorized person has not  
20 communicated with the insurer within the ninety-day period,  
21 take reasonable steps, which shall be documented by the  
22 insurer, to locate and contact any beneficiary or other  
23 authorized person on the policy, annuity, or retained asset  
24 account, including sending the beneficiary or other authorized  
25 person information regarding the insurer's claims process and  
26 regarding the need to provide an official death certificate,  
27 if applicable under the policy, annuity, or retained asset  
28 account.

29 c. Every insurer shall implement procedures to account for  
30 all of the following:

31 (1) Common nicknames, initials used in lieu of a first or  
32 middle name, use of a middle name, compound first and middle  
33 names, and interchanged first and middle names.

34 (2) Compound last names, maiden or married names, and  
35 hyphens, blank spaces, or apostrophes in last names.

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1 (3) Transposition of the month and date portions of the date  
2 of birth.

3 (4) Incomplete social security numbers.

4 *d.* An insurer may disclose minimum necessary personal  
5 information about a beneficiary or authorized person to an  
6 individual or entity whom the insurer reasonably believes may  
7 be able to assist the insurer in locating the beneficiary or  
8 authorized person entitled to payment of the claims proceeds.

9 *e.* An insurer or its service provider shall not charge a  
10 beneficiary or authorized person any fees or costs associated  
11 with a death master file search conducted pursuant to this  
12 section.

13 *f.* The benefits from a policy, annuity, or retained asset  
14 account, plus any applicable accrued interest, shall first be  
15 payable to designated beneficiaries or authorized persons,  
16 and in the event that the beneficiaries or authorized persons  
17 cannot be found, shall escheat to the state as unclaimed  
18 property pursuant to chapters 556 and 633.

19 4. *Rules.* The commissioner shall adopt rules to administer  
20 the provisions of this section.

21 5. *Orders.* The commissioner may issue an order doing any  
22 of the following:

23 *a.* Limiting the death master file comparisons required  
24 under subsection 3, paragraph "a", to an insurer's electronic  
25 searchable files or approving a plan and timeline for  
26 conversion of an insurer's files to electronic searchable  
27 files.

28 *b.* Exempting an insurer from the death master file  
29 comparisons required under subsection 3, paragraph "a",  
30 or permitting an insurer to perform such comparisons less  
31 frequently than semiannually upon a demonstration of financial  
32 hardship by the insurer.

33 *c.* Phasing in requirements for compliance with this section  
34 according to a plan and timeline approved by the commissioner.

35 6. *Unfair trade practice.* Failure to meet any requirement

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1 of this section with such frequency as to constitute a general  
2 business practice is an unfair method of competition and  
3 an unfair or deceptive act or practice in the business of  
4 insurance under this chapter.

5 7. *Insurer unclaimed property reporting.*

6 a. If an insurer identifies a person as deceased through  
7 a death master file match as described in subsection 3,  
8 paragraph "a", or other information source, and validates such  
9 information through a secondary information source, the insurer  
10 may report and remit the proceeds of the policy, annuity, or  
11 retained asset account due to the state prior to the dates  
12 required for such reporting and remittance under chapter 556,  
13 without further notice to or consent by the state, after  
14 attempting to contact any beneficiary under either of the  
15 following circumstances:

16 (1) The insurer is unable to locate a beneficiary who is  
17 located in this state under the policy, annuity contract, or  
18 retained asset account, after conducting reasonable search  
19 efforts of up to one year after the insurer's validation of the  
20 death master file match.

21 (2) No beneficiary or person, as applicable for unclaimed  
22 property reporting purposes under chapter 556, has a last known  
23 address in this state.

24 b. Once the insurer has reported upon and remitted the  
25 proceeds of the policy, annuity, or retained asset account to  
26 the state pursuant to chapter 556, the insurer is relieved  
27 and indemnified from any and all additional liability to any  
28 beneficiary or authorized person relating to the proceeds  
29 reported upon and remitted. This indemnification shall be in  
30 addition to any other protections provided by law.

31 Sec. 2. Section 556.1, Code 2014, is amended by adding the  
32 following new subsection:

33 NEW SUBSECTION. 5A. "*Knowledge of death*" means the same as  
34 defined in section 507B.4C.

35 Sec. 3. Section 556.3, subsection 2, Code 2014, is amended

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1 to read as follows:

2 2. ~~"Unclaimed funds,"~~ "funds", as used in this section, means  
3 all moneys held and owing by any life insurance corporation  
4 unclaimed and unpaid for more than three years after the  
5 moneys became due and payable as established from the records  
6 of the corporation under any life or endowment insurance  
7 policy or annuity contract which has matured or terminated.  
8 A life insurance policy not matured by actual ~~proof of the~~  
9 knowledge of death of the insured is deemed to be matured and  
10 the proceeds thereof are deemed to be due and payable if the  
11 policy was in force when the insured attained the limiting  
12 age under the mortality table on which the reserve is based  
13 and shall be presumed abandoned and to be unclaimed funds as  
14 defined in this section if unclaimed and unpaid for more than  
15 two years thereafter, unless the person appearing entitled  
16 thereto has within the two-year period assigned, readjusted, or  
17 paid premiums on the policy, or subjected the policy to loan  
18 or corresponded in writing with the life insurance corporation  
19 concerning the policy. Moneys otherwise payable according  
20 to the records of the corporation are deemed due and payable  
21 although the policy or contract has not been surrendered as  
22 required.

23 Sec. 4. EFFECTIVE DATE. This Act takes effect July 1, 2015.

24 EXPLANATION

25 The inclusion of this explanation does not constitute agreement with  
26 the explanation's substance by the members of the general assembly.

27 This bill relates to unclaimed life insurance death  
28 benefits. The purpose of the bill is to require complete and  
29 proper disclosure, transparency, and accountability relating  
30 to any method of payment for life insurance death benefits  
31 regulated by the commissioner of insurance.

32 New Code section 507B.4C requires that for in-force life  
33 insurance policies, annuities, and retained asset accounts  
34 issued for delivery in this state, insurers must perform a  
35 comparison of such documents against the United States social

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1 security administration's death master file or file updates  
2 at least semiannually to determine whether any policy owners,  
3 insureds, annuity owners, annuitants, or account holders have  
4 died. If an insurer learns of the possible death of such  
5 a person, the insurer has 90 days to complete a good faith  
6 effort to confirm the death against other available records  
7 and information, review the insurer's records to see if the  
8 deceased authorized person had purchased any other products  
9 from the insurer, determine whether benefits are due, and take  
10 reasonable steps to locate and contact any beneficiary or other  
11 authorized person on the policy, annuity, or retained asset  
12 account.

13 An insurer may disclose minimum necessary personal  
14 information to individuals or entities who may be able to  
15 assist in locating a beneficiary or other authorized person  
16 entitled to payment of the claims proceeds. An insurer shall  
17 not charge a beneficiary or other authorized person any fees or  
18 costs associated with conducting a death master file search.  
19 The claims proceeds shall first be payable to the designated  
20 beneficiaries or authorized persons and if they cannot be  
21 found, shall escheat to the state as unclaimed property  
22 pursuant to Code chapters 556 (disposition of unclaimed  
23 property) and 633 (probate code).

24 The insurance commissioner may adopt rules to implement the  
25 provisions of the new Code section. The commissioner may issue  
26 orders limiting the number of death master file comparisons  
27 that an insurer is required to make and approving a plan and  
28 timeline for conversion of the insurer's files to electronic  
29 searchable files, exempting an insurer from the death master  
30 file comparisons required or permitting an insurer to perform  
31 such comparisons less frequently upon a demonstration of  
32 financial hardship, or phasing in requirements for compliance  
33 with the new requirements according to a plan and timeline  
34 approved by the commissioner.

35 Failure to meet any of the new requirements with such

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1 frequency as to constitute a general business practice is an  
2 unfair method of competition and an unfair or deceptive act  
3 or practice in the business of insurance and is punishable,  
4 after notice and a hearing, by a summary cease and desist  
5 order, imposition of a civil penalty of not more than \$1,000  
6 for each violation, but not exceeding an aggregate of \$10,000,  
7 suspension or revocation of applicable licenses, and a penalty  
8 of not more than \$10,000 for each violation of a cease and  
9 desist order.

10 If an insurer identifies a person as deceased through a death  
11 master file match or other information source, and validates  
12 such information through a secondary source, the insurer may  
13 report and remit the proceeds due to the state prior to the  
14 three-year period set forth in Code chapter 556 pertaining  
15 to disposition of unclaimed property, without further notice  
16 to or consent by the state, after attempting to contact any  
17 beneficiary under either of the following circumstances: (1)  
18 the insurer is unable to locate a beneficiary who is located  
19 in this state under the policy, annuity, or retained asset  
20 account, after conducting reasonable search efforts of up to  
21 one year, or (2) no beneficiary or other person, as applicable  
22 for unclaimed property reporting purposes, has a last known  
23 address in the state. An insurer who reports on and remits  
24 such proceeds in this manner is relieved and indemnified from  
25 any and all additional liability relating to the proceeds.

26 Coordinating changes are made to Code chapter 556 pertaining  
27 to disposition of unclaimed property. Code section 556.1  
28 is amended to provide that for purposes of disposition of  
29 unclaimed property under that Code chapter, "knowledge of  
30 death" means the same as provided in new Code section 507B.4C.  
31 Code section 556.3(2) is amended to refer to "knowledge of  
32 death" instead of "proof of the death" pertaining to unclaimed  
33 funds held by life insurance companies.

34 The bill takes effect July 1, 2015.



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House Study Bill 517 - Introduced

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON COMMERCE BILL BY  
CHAIRPERSON COWNIE)

A BILL FOR

1 An Act modifying provisions applicable to the recording of  
2 a mortgage or deed of trust executed by a transmitting  
3 utility.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5497HC (2) 85  
rn/sc



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H.F. \_\_\_\_\_

1 Section 1. Section 554B.3, Code 2014, is amended to read as  
2 follows:

3 **554B.3 Recording mortgage or deed of trust upon real estate.**

4 Any mortgage or deed of trust upon real estate executed  
5 by a transmitting utility may provide that property of  
6 the transmitting utility, whether owned at the time of the  
7 execution of the instrument or subsequently acquired, shall  
8 secure the obligations covered by the instrument. ~~Recording~~  
9 Filing the instrument in the office of the ~~recorder of each~~  
10 ~~county in which~~ secretary of state, describing therein the  
11 location of such property, or any part thereof, described in  
12 ~~the instrument is situated~~ shall give constructive notice to  
13 all persons of the lien of the mortgage or deed of trust from  
14 the time of ~~recording~~ filing or, in the case of subsequently  
15 acquired real estate, from the time of acquisition.

16 EXPLANATION

17 The inclusion of this explanation does not constitute agreement with  
18 the explanation's substance by the members of the general assembly.

19 This bill modifies the manner in which constructive notice  
20 of a mortgage or deed of trust executed by a transmitting  
21 utility is given.

22 Currently, Code section 554B.3 specifies that a mortgage or  
23 deed of trust in connection to real estate which is executed  
24 by a transmitting utility shall be recorded in the office of  
25 the recorder of each county in which any property securing the  
26 obligations covered by the instrument and described in the  
27 instrument is situated. The bill alters this provision to  
28 state that the mortgage or deed of trust shall be filed in the  
29 office of the secretary of state, rather than in each county in  
30 which property described in the instrument is situated.



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House Study Bill 518 - Introduced

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON COMMERCE BILL BY  
CHAIRPERSON COWNIE)

A BILL FOR

- 1 An Act modifying notification requirements applicable to
- 2 underground facility excavations where underground
- 3 facilities are present.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5409HC (3) 85  
rn/nh



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H.F. \_\_\_\_\_

1 Section 1. Section 480.4, subsection 1, paragraph a, Code  
2 2014, is amended to read as follows:

3 a. Except as otherwise provided in this section, prior to  
4 any excavation, an excavator shall contact the notification  
5 center and provide notice of the planned excavation. This  
6 notice must be given at least forty-eight hours, excluding  
7 Saturdays, Sundays, and legal holidays, but not more than ten  
8 calendar days prior to the commencement of the excavation,  
9 ~~excluding Saturdays, Sundays, and legal holidays.~~ Notices  
10 received after 5:00 p.m. shall be processed as if received at  
11 8:00 a.m. the next business day. The notice shall be valid  
12 for twenty calendar days from the date the notice was provided  
13 to the notification center. The notification center shall  
14 establish a toll-free telephone number to allow excavators to  
15 provide the notice required pursuant to this subsection.

16 Sec. 2. Section 480.4, subsection 1, Code 2014, is amended  
17 by adding the following new paragraph:

18 NEW PARAGRAPH. e. At the time of giving notice to the  
19 notification center pursuant to this subsection, an excavator  
20 shall use white paint, flags, stakes, or a combination thereof,  
21 to mark the proposed area of excavation unless it can be shown  
22 to be impractical. Electronic means of white-lining may be  
23 used if that method is supported by the notification center.  
24 The marking required under this subsection shall be done in a  
25 manner that will last for a minimum of five working days on any  
26 nonpermanent surface, or a minimum of ten working days on any  
27 permanent surface.

28 Sec. 3. Section 480.4, subsection 3, paragraph a,  
29 subparagraph (1), Code 2014, is amended to read as follows:

30 (1) An operator who receives notice from the notification  
31 center shall mark the horizontal location of the operator's  
32 underground facility and the excavator shall use due care in  
33 excavating in the marked area to avoid damaging the underground  
34 facility. The operator shall complete such locating and  
35 marking, and shall notify the notification center that the

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1 marking is complete within forty-eight hours after receiving  
2 the notice, excluding Saturdays, Sundays, and legal holidays,  
3 unless otherwise agreed by the operator and the excavator.  
4 Upon receipt of such notice from the operator, the notification  
5 center shall notify the excavator the marking is complete  
6 in accordance with paragraph "d". The locating and marking  
7 of the underground facilities shall be completed at no cost  
8 to the excavator. If, in the opinion of the operator, the  
9 planned excavation requires that the precise location of the  
10 underground facilities be determined, the excavator, unless  
11 otherwise agreed upon between the excavator and the operator,  
12 shall hand dig test holes to determine the location of the  
13 facilities unless the operator specifies an alternate method.

14 Sec. 4. Section 480.4, subsection 3, paragraph a, Code 2014,  
15 is amended by adding the following new subparagraph:

16 NEW SUBPARAGRAPH. (3) Unless otherwise agreed by the  
17 operator and excavator in writing, no excavation shall be  
18 performed within twenty-five feet of an underground natural  
19 gas transmission line as defined in 49 C.F.R. pt. §192.3 or  
20 other underground facility designated a critical facility  
21 by an operator, unless a representative of the operator of  
22 the underground natural gas transmission line or designated  
23 critical facility is present at the planned excavation area.

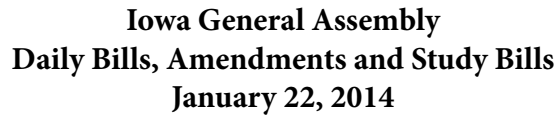
24 Sec. 5. Section 480.4, subsection 3, paragraph b, Code 2014,  
25 is amended to read as follows:

26 *b.* An operator who receives notice from the notification  
27 center and who determines that the operator does not have  
28 any underground facility located within the proposed area of  
29 excavation shall notify the ~~excavator~~ notification center, and  
30 the notification center shall notify the excavator, concerning  
31 this determination prior to the indicated date of commencement  
32 of excavation within forty-eight hours after receiving the  
33 notice, excluding Saturdays, Sundays, and legal holidays.

34 Sec. 6. Section 480.4, subsection 3, Code 2014, is amended  
35 by adding the following new paragraph:

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1     NEW PARAGRAPH.   *d.*   For the purposes of this chapter,  
2     notifications provided to the excavator by the operator or  
3     by the notification center shall be provided in a consistent  
4     manner to be established by the board by rule.

6           The inclusion of this explanation does not constitute agreement with  
7           the explanation's substance by the members of the general assembly.

10 Currently, an excavator is required to provide notice to  
11 the notification center established in Code chapter 480 of a  
12 planned excavation at least 48 hours prior to the excavation,  
13 excluding Saturdays, Sundays, and legal holidays. The bill  
14 adds the requirement that the notice not be provided more than  
15 10 calendar days prior to the commencement of the excavation,  
16 and that notices received after 5:00 p.m. shall be processed  
17 as if received at 8:00 a.m. the next business day. The bill  
18 also provides that the notice shall be valid for 20 calendar  
19 days from the date it was provided to the notification center.  
20 The bill provides that in addition to providing notice of a  
21 proposed excavation, an excavator shall use white paint, flags,  
22 stakes, or a combination thereof to mark the proposed area of  
23 excavation unless it can be shown to be impractical, and that  
24 electronic means of white-lining may be used if that method is  
25 supported by the notification center. The marking is required  
26 to be done in a manner that will last for a minimum of five  
27 working days on any nonpermanent surface, or a minimum of 10  
28 working days on any permanent surface.

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1 notification center to notify the excavator the marking is  
2 complete in accordance with a new provision in the bill stating  
3 that notifications shall be provided in a consistent manner  
4 established by the board of directors of the notification  
5 center.

6 Further, the bill provides that unless otherwise agreed by  
7 the operator and excavator in writing, no excavation shall  
8 be performed within 25 feet of an underground natural gas  
9 transmission line or other underground facility designated  
10 a critical facility by an operator, unless a representative  
11 of the operator of the underground natural gas transmission  
12 line or designated critical facility is present at the planned  
13 excavation area.

14 Finally, the bill provides that an operator who receives  
15 notice from the notification center and who determines that the  
16 operator does not have any underground facility located within  
17 the proposed area of excavation shall notify the notification  
18 center, with the notification center then notifying the  
19 excavator, of this fact, rather than direct notification by the  
20 operator to the excavator as currently required, and that this  
21 notification shall be provided to the excavator within 48 hours  
22 after receiving the notice, excluding Saturdays, Sundays, and  
23 legal holidays.



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House Study Bill 519 - Introduced

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON COMMERCE BILL BY  
CHAIRPERSON COWNIE)

A BILL FOR

1 An Act relating to the regulation of pharmacy benefit managers.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5250HC (5) 85  
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1 Section 1. Section 510B.1, Code 2014, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 5A. "*Maximum reimbursement amount*" means  
4 the maximum reimbursement amount for a therapeutically and  
5 pharmaceutically equivalent multiple-source prescription drug  
6 that is listed in the most recent edition of the publication  
7 entitled approved drug products with therapeutic equivalence  
8 evaluations, published by the United States food and drug  
9 administration, otherwise known as the orange book.

10 Sec. 2. NEW SECTION. 510B.8 **Proof of financial solvency.**

11 1. The commissioner may require a pharmacy benefits manager  
12 to submit information to the commissioner related to the  
13 pharmacy benefits manager's financial solvency in accordance  
14 with chapter 507, including but not limited to disclosure of  
15 pricing methodology and rebate information.

16 2. For purposes of the disclosure of pricing methodology,  
17 maximum reimbursement amounts shall be implemented as follows:

18 a. Established for multiple source prescription drugs  
19 prescribed after the expiration of any generic exclusivity  
20 period.

21 b. Established for any prescription drug with at least two  
22 or more A-rated therapeutically equivalent, multiple source  
23 prescription drugs with a significant cost difference.

24 c. Determined using comparable prescription drug prices  
25 obtained from multiple nationally recognized comprehensive data  
26 sources including wholesalers, prescription drug file vendors,  
27 and pharmaceutical manufacturers for prescription drugs that  
28 are nationally available and available for purchase locally by  
29 multiple pharmacies in the state.

30 3. For those prescription drugs to which maximum  
31 reimbursement amount pricing applies, a pharmacy benefits  
32 manager shall include in a contract with a pharmacy information  
33 regarding which of the national compendia is used to  
34 obtain pricing data used in the calculation of the maximum  
35 reimbursement amount pricing and shall provide a process to

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1 allow a pharmacy to comment on, contest, or appeal the maximum  
2 reimbursement amount rates or maximum reimbursement amount  
3 list. The right to comment on, contest, or appeal the maximum  
4 reimbursement amount rates or maximum reimbursement amount list  
5 shall be limited in duration and allow for retroactive payment  
6 in the event that it is determined that maximum reimbursement  
7 amount pricing has been applied incorrectly.

8 4. For purposes of the disclosure of rebate information,  
9 the commissioner, in conjunction with an examination authorized  
10 under this chapter or chapter 507, 507B, or 510, may request,  
11 and a pharmacy benefits manager shall disclose to the  
12 commissioner, the amount of all rebate revenues and the nature,  
13 type, and amounts of all other revenues that the pharmacy  
14 benefits manager receives from each pharmaceutical manufacturer  
15 or labeler with whom the pharmacy benefits manager has a  
16 contract. The pharmacy benefits manager shall disclose to the  
17 commissioner, including but not limited to all of the following  
18 information:

19 a. Both the aggregate amount, and the specific amounts for  
20 each prescription drug, of all rebates and other retrospective  
21 utilization discounts received by the pharmacy benefits  
22 manager, directly or indirectly, from each pharmaceutical  
23 manufacturer or labeler that are earned in connection with the  
24 dispensing of prescription drugs to covered individuals of  
25 the health benefit plans issued by a pharmacy or for which a  
26 pharmacy is the designated administrator.

27 b. The nature, type, and amount of all other revenue  
28 received by the pharmacy benefits manager directly or  
29 indirectly from each pharmaceutical manufacturer or labeler for  
30 any other products or services provided to the pharmaceutical  
31 manufacturer or labeler by the pharmacy benefits manager with  
32 respect to programs that a pharmacy offers or provides to  
33 covered individuals.

34 c. Any prescription drug utilization information requested  
35 by a pharmacy relating to covered individuals.



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1 EXPLANATION

2 The inclusion of this explanation does not constitute agreement with  
3 the explanation's substance by the members of the general assembly.

4 This bill relates to the regulation of pharmacy benefit  
5 managers. The bill authorizes the commissioner of insurance  
6 to require a pharmacy benefits manager to submit information  
7 to the commissioner related to the pharmacy benefit manager's  
8 financial solvency, including information disclosing  
9 pricing methodology and rebates received, pursuant to the  
10 commissioner's power to examine insurance companies under Code  
11 chapter 507.

12 The bill provides that for purposes of the disclosure of  
13 pricing methodology, a pharmacy benefits manager must use  
14 maximum reimbursement amounts that meet specified criteria.  
15 "Maximum reimbursement amount" is defined as the maximum  
16 reimbursement amount for a therapeutically and pharmaceutically  
17 equivalent multiple-source prescription drug that is listed in  
18 the United States food and drug administration's publication  
19 entitled approved drug products with therapeutic equivalence  
20 evaluations, otherwise known as the orange book.

21 For those prescription drugs to which maximum reimbursement  
22 amount pricing applies, a pharmacy benefits manager must  
23 include information in a contract with a pharmacy showing how  
24 maximum reimbursement amount pricing is calculated and allowing  
25 the pharmacy the opportunity to comment on, contest, or appeal  
26 the maximum reimbursement amount rates and list. The contract  
27 must also allow for retroactive payment if it is determined  
28 that maximum reimbursement amount pricing has been applied  
29 incorrectly.

30 The bill also provides that for purposes of disclosure of  
31 rebate information, the commissioner in conjunction with an  
32 examination authorized under Code chapter 507 (examination  
33 of insurance companies), 507B (regulation of insurance trade  
34 practices), 510 (regulation of managing general agents and  
35 third-party administrators), or 510B (regulation of pharmacy

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1 benefits managers), can request information from a pharmacy  
2 benefits manager concerning the amount of all rebate revenues,  
3 and the nature, type, and amounts of all other revenues that  
4 the pharmacy benefits manager receives from each pharmaceutical  
5 manufacturer or labeler with whom the pharmacy benefits  
6 manager has a contract. The bill specifies information which  
7 a pharmacy benefits manager must disclose pursuant to such a  
8 request by the commissioner.



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House Study Bill 520 - Introduced

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON COMMERCE BILL BY  
CHAIRPERSON COWNIE)

A BILL FOR

1 An Act regulating the sale of portable electronics insurance,  
2 including requiring licensure, and providing for fees and  
3 penalties.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. 522E.1 Purpose.

2 The purpose of this chapter is to provide for the limited  
3 licensing of vendors when a vendor sells an insurance product  
4 or coverage in connection with and incidental to the sale or  
5 lease of a portable electronic device.

6 Sec. 2. NEW SECTION. 522E.2 Definitions.

7 As used in this chapter, unless the context otherwise  
8 requires:

9 1. "*Commissioner*" means the commissioner of insurance.

10 2. "*Customer*" means a person who purchases or leases  
11 portable electronic devices.

12 3. "*Limited licensee*" means a vendor who is authorized to  
13 offer or sell portable electronics insurance pursuant to this  
14 chapter.

15 4. "*Location*" means any physical location in this state, or  
16 any internet site, call center site, or similar site directed  
17 to residents of this state.

18 5. "*Portable electronic device*" means an electronic  
19 device that is personal, self-contained, easily carried by  
20 an individual, battery operated, and used for communication,  
21 viewing, listening, recording, gaming, computing, or global  
22 positioning, including a cell or satellite phone, pager,  
23 personal global positioning satellite unit, portable computer,  
24 portable audio listening, video viewing, or recording device,  
25 digital camera, video camcorder, portable gaming system,  
26 docking station, automatic answering device, or any other  
27 similar device, or an accessory or service related to the  
28 use of such a device, with a value of less than one thousand  
29 dollars at the time of purchase or lease.

30 6. a. "*Portable electronics insurance*" means insurance  
31 providing coverage for the repair or replacement of a portable  
32 electronic device which may include coverage against any one or  
33 more of the following causes of loss:

34 (1) Property loss.

35 (2) Theft.

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- 1 (3) Inoperability due to mechanical failure.  
2 (4) Malfunction.  
3 (5) Damage.  
4 (6) Other similar causes of loss.  
5 *b. "Portable electronics insurance" does not include any of*  
6 *the following:*  
7 (1) A service contract or extended warranty providing  
8 coverage limited to the repair, replacement, or maintenance  
9 of property for the operational or structural failure of the  
10 property due to a defect in materials, workmanship, accidental  
11 damage from handling power surges, or normal wear and tear.  
12 (2) A policy of insurance covering a seller's or  
13 manufacturer's obligations under a warranty.  
14 (3) A homeowner's, renter's, private passenger automobile,  
15 commercial multiperil, or similar insurance policy.  
16 7. "Vendor" means a person who is directly or indirectly  
17 engaged in the business of selling or leasing a portable  
18 electronic device.  
19 8. "Vendor employee" means any employee at least eighteen  
20 years of age who is employed by a vendor.  
21 Sec. 3. NEW SECTION. 522E.3 Limited licenses.  
22 1. Notwithstanding the provisions of chapter 522B, the  
23 commissioner may issue a limited license to a vendor that  
24 has complied with the requirements of this chapter and 18  
25 U.S.C. §1033. The limited license shall authorize the limited  
26 licensee to offer or sell portable electronics insurance  
27 in connection with and incidental to the sale or lease of  
28 a portable electronic device with a value of less than one  
29 thousand dollars.  
30 2. As a prerequisite for issuance of a limited license  
31 under this section, a vendor shall file a written application  
32 for a limited license, signed by an officer of the applicant,  
33 with the commissioner. The application shall be in a form and  
34 contain information as prescribed by the commissioner. The  
35 application shall include a list of all locations where the



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1 vendor intends to conduct business. A list of vendor employees  
2 authorized by the vendor to offer or sell portable electronics  
3 insurance shall also be provided to the commissioner. If the  
4 list of authorized vendor employees is amended, an updated list  
5 shall be provided to the commissioner within thirty business  
6 days from the date of the amendment.

7 3. If a provision of this section is violated by a  
8 limited licensee, the commissioner may, after notice and a  
9 hearing, revoke or suspend a limited license issued under this  
10 section, or impose any other penalties, including suspension  
11 of authorization to offer or sell portable electronics  
12 insurance at specific vendor locations where violations of this  
13 section have occurred, as the commissioner deems necessary or  
14 convenient to carry out the purposes of this chapter.

15 4. A vendor licensed pursuant to this section may offer  
16 or sell portable electronics insurance issued by an insurance  
17 carrier authorized to do business in this state only in  
18 connection with and incidental to the sale or lease of a  
19 portable electronic device. A customer shall not be required  
20 to purchase portable electronics insurance in order to buy or  
21 lease a portable electronic device.

22 5. a. Portable electronics insurance offered or sold by  
23 a limited licensee pursuant to this section, whether at the  
24 vendor location or by preselection of coverage in a master,  
25 corporate, group, or individual agreement, shall include  
26 coverage of all of the following:

- 27 (1) Loss of the portable electronic device.
- 28 (2) Theft of the portable electronic device.
- 29 (3) Inoperability of the portable electronic device due to  
30 mechanical failure of the device.
- 31 (4) Malfunction of the portable electronic device.
- 32 (5) Any other similar cause of loss.

33 b. Portable electronics insurance purchased in connection  
34 with and incidental to the sale or lease of a portable  
35 electronic device shall be considered primary coverage over

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1 all other collectible insurance that may apply to the portable  
2 electronic device.

3     *c.* An insurance carrier that issues portable electronics  
4 insurance in this state shall file premium and loss ratio data  
5 for the preceding year with the commissioner by April 1 of each  
6 year. The insurance carrier shall maintain a minimum loss  
7 ratio of eighty percent.

8     6. Portable electronics insurance shall only be offered or  
9 sold by a limited licensee pursuant to this section if all of  
10 the following apply:

11     *a.* The period of the portable electronics insurance  
12 agreement does not exceed twelve months, unless the customer  
13 is notified prior to continuation of the policy beyond that  
14 period.

15     *b.* At every vendor location where a portable electronics  
16 insurance agreement is executed, brochures or other written  
17 materials are readily available to a prospective customer that  
18 include all of the following information:

19         (1) A clear and accurate summary of the material terms  
20 of the portable electronics insurance coverage that is  
21 being offered to the customer, including the identity of the  
22 insurance carrier.

23         (2) A disclosure that the portable electronics insurance  
24 coverage being offered by the vendor may provide a duplication  
25 of coverage that is already provided by the customer's  
26 personal automobile insurance policy, homeowner's insurance  
27 policy, business property insurance policy, or other source of  
28 coverage.

29         (3) A statement that the customer is not required to  
30 purchase portable electronics insurance coverage offered  
31 pursuant to this section in order to purchase or lease a  
32 portable electronic device.

33         (4) A description of the process for filing a claim under  
34 the portable electronics insurance in the event of a claim.

35     *c.* Evidence of coverage is provided in the insurance



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1 agreement to every customer who purchases portable electronics  
2 insurance, that includes all of the following information:

3 (1) The material terms or a description of the material  
4 terms of the portable electronics insurance coverage.

5 (2) A description of the process for filing a claim under  
6 the portable electronics insurance.

7 (3) A description of the process for canceling the portable  
8 electronics insurance coverage.

9 (4) The identity of and contact information for the  
10 insurance carrier that issues the portable electronics  
11 insurance coverage.

12 d. A fee, compensation, or commission is not paid to  
13 a vendor employee by a vendor based solely on the sale of  
14 portable electronics insurance by the vendor employee under a  
15 limited license issued pursuant to this section.

16 7. A limited license issued under this section authorizes  
17 a vendor employee of a limited licensee to act individually  
18 on behalf, and under the supervision, of the limited licensee  
19 with respect to the offer and sale of portable electronics  
20 insurance, subject to the requirements of subsection 8.

21 8. In order to offer and sell portable electronics  
22 insurance, a vendor employee of a limited licensee must  
23 successfully complete a training program, pass an examination  
24 covering the portable electronics insurance products offered  
25 for sale by the limited licensee in connection with and  
26 incidental to the sale or lease of a portable electronic device  
27 by the limited licensee, and obtain an individual license  
28 pursuant to this subsection.

29 a. The training program and examination shall be approved  
30 and administered by the commissioner or by a vendor approved  
31 by the commissioner pursuant to section 522E.6. The training  
32 materials shall, at a minimum, contain instructions on the  
33 types of portable electronics insurance offered, ethical sales  
34 practices, and required disclosures to prospective customers.

35 b. A vendor employee of a limited licensee shall file an

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1 application with the commissioner for an individual license.

2 An application shall be deemed approved unless the commissioner  
3 notifies the limited licensee of the denial or rejection of the  
4 application within thirty days of receiving the application.

5 An application shall not include requirements greater in scope  
6 than described in this section.

7 9. A limited licensee shall treat moneys collected from  
8 customers purchasing portable electronics insurance when buying  
9 or leasing a portable electronic device as moneys received in a  
10 fiduciary capacity. The offer or sale of portable electronics  
11 insurance not in conjunction with the purchase or lease of a  
12 portable electronic device is prohibited.

13 10. A limited licensee shall not advertise, represent, or  
14 otherwise hold out itself or any of its employees as licensed  
15 insurers, insurance producers, or insurance brokers.

16 11. A limited licensee shall not engage in this state in any  
17 of the following:

18 a. A trade practice defined in chapter 507B as, or  
19 determined pursuant to section 507B.6 to be, an unfair method  
20 of competition or an unfair or deceptive act or practice in the  
21 business of insurance.

22 b. An illegal sales practice or unfair trade practice  
23 as defined in rules adopted pursuant to chapter 17A by the  
24 commissioner.

25 12. A limited licensee shall not do any of the following:

26 a. Answer technical questions about the benefits,  
27 exclusions, or conditions of the portable electronics insurance  
28 coverage offered.

29 b. Evaluate the adequacy of a prospective customer's  
30 existing insurance coverage.

31 13. A vendor employee's individual license, authorization,  
32 or certification to offer or sell portable electronics  
33 insurance products under this chapter shall expire when the  
34 vendor employee's employment with the vendor terminates.

35 Sec. 4. NEW SECTION. 522E.4 Term of limited license.

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1 A limited license issued pursuant to this chapter is valid  
2 for three years and may be renewed without examination if the  
3 renewal application is received in a timely manner.

4 Sec. 5. NEW SECTION. **522E.5 Fees.**

5 The fee for a vendor employee individual license shall  
6 be fifty dollars per vendor employee. In no case shall any  
7 combined fees exceed one thousand dollars in any calendar year  
8 for any one vendor, limited license or licensee, or renewal  
9 license. The fees collected under this section shall be  
10 deposited as provided in section 505.7.

11 Sec. 6. NEW SECTION. **522E.6 Vendor qualifications.**

12 The commissioner may approve a vendor that meets the  
13 requirements of this section as a qualified vendor to  
14 administer the requirements of section 522E.3, subsection 8.  
15 A qualified vendor shall have at least two years teaching  
16 experience relating to the topic of the products described  
17 in this chapter. If a qualified vendor is available, the  
18 commissioner shall utilize the qualified vendor closest in  
19 proximity to where the vendor employee is employed to meet the  
20 requirements in section 522E.3, subsection 8.

21 Sec. 7. NEW SECTION. **522E.7 Rules.**

22 The commissioner shall adopt rules necessary for the  
23 administration of this chapter pursuant to chapter 17A.

24 **EXPLANATION**

25 The inclusion of this explanation does not constitute agreement with  
26 the explanation's substance by the members of the general assembly.

27 This bill creates new Code chapter 522E for the purpose  
28 of regulating the sale of portable electronics insurance,  
29 including requiring licensure, and providing for fees and  
30 penalties.

31 New Code chapter 522E defines "portable electronic device"  
32 as an electronic device that is personal, self-contained,  
33 easily carried by an individual, battery operated, and used for  
34 a variety of specified purposes, and accessories or services  
35 related to such a device, with a value of less than \$1,000 at

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1 the time of purchase or lease. "Portable electronic insurance"  
2 is insurance providing coverage for the repair or replacement  
3 of a portable electronic device. Such insurance does not  
4 include a service contract or extended warranty.

5 The bill allows the commissioner of insurance to issue a  
6 limited license to a vendor of portable electronic devices that  
7 authorizes the vendor to offer or sell portable electronics  
8 insurance in connection with and incidental to the sale or  
9 lease of a portable electronic device with a value of less than  
10 \$1,000.

11 A vendor must file a written application for a limited  
12 license to sell such insurance that includes a list of all  
13 locations where the vendor intends to conduct business and  
14 a list of all vendor employees that will offer or sell the  
15 insurance. Sale of portable electronics insurance is allowed  
16 only in connection with and incidental to the sale or lease of  
17 a portable electronic device. A customer cannot be required to  
18 purchase such insurance in order to buy a portable electronic  
19 device.

20 If the bill's provisions are violated by a limited licensee,  
21 the commissioner may, after notice and a hearing, revoke  
22 or suspend the limited license, or impose other penalties,  
23 including suspension of authorization to sell the insurance at  
24 specific vendor locations where violations have occurred.

25 Portable electronics insurance sold pursuant to a limited  
26 license must include specified coverage and meet specified  
27 disclosure requirements. The term of the insurance cannot  
28 exceed 12 months unless the customer is notified prior to  
29 continuation of the policy. An insurance carrier that issues  
30 portable electronics insurance in the state must file premium  
31 and loss ratio data with the commissioner each year and  
32 maintain a minimum loss ratio of 80 percent. A vendor cannot  
33 pay a fee, compensation, or commission to a vendor employee  
34 based solely on the sale of portable electronics insurance by  
35 the employee.



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1 A limited license issued pursuant to the bill's provisions  
2 authorizes a vendor employee to act individually on behalf,  
3 and under the supervision, of the limited licensee, to offer  
4 and sell portable electronics insurance if the employee also  
5 obtains an individual license. In order to obtain a license, a  
6 vendor employee must successfully complete a training program  
7 and examination. The training program and examination must be  
8 approved and administered by the commissioner and must contain  
9 instructions on the types of portable electronics insurance  
10 offered, ethical sales practices, and required disclosures  
11 to prospective customers. However, the commissioner may  
12 approve a qualified vendor to perform such duties. A vendor  
13 employee must file an application with the commissioner for the  
14 license and the application is deemed approved if not denied or  
15 rejected within 30 days of its receipt.

16 A limited licensee is required to treat moneys collected  
17 from customers purchasing portable electronics insurance as  
18 moneys received in a fiduciary capacity. The offer or sale  
19 of portable electronics insurance not in conjunction with  
20 the purchase or lease of a portable electronic device is  
21 prohibited. A limited licensee is prohibited from advertising,  
22 representing, or holding out itself or any of its employees as  
23 licensed insurers, insurance producers, or insurance brokers.

24 A limited licensee is prohibited from engaging in a trade  
25 practice that is defined in Code chapter 507B as, or determined  
26 pursuant to Code section 507B.6 to be, an unfair method of  
27 competition or an unfair or deceptive act or practice in the  
28 business of insurance, or an illegal sales practice or unfair  
29 trade practice as defined in rules adopted by the commissioner  
30 pursuant to Code chapter 17A.

31 A limited licensee is prohibited from answering technical  
32 questions about the portable electronics insurance offered or  
33 evaluating the adequacy of a prospective customer's existing  
34 insurance coverage.

35 A limited license is valid for three years and may be renewed

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1 without examination if application is timely made. The fee  
2 for a vendor employee individual license is \$50 per vendor  
3 employee but combined fees cannot exceed \$1,000 in any calendar  
4 year for one vendor, limited license or licensee, or renewal  
5 license. The license fees collected are to be deposited in the  
6 department of commerce revolving fund pursuant to Code section  
7 505.7.

8 The commissioner is required to select qualified vendors  
9 closest in proximity to where a vendor employee is employed to  
10 meet the training and examination requirements for the employee  
11 to obtain an individual license. A vendor must have at least  
12 two years teaching experience relating to the topics of the  
13 products described in the new Code chapter to be utilized as a  
14 qualified vendor.

15 The commissioner shall adopt rules necessary for the  
16 administration of the new Code chapter pursuant to Code chapter  
17 17A.



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House Study Bill 521 - Introduced

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON JUDICIARY BILL BY  
CHAIRPERSON BALTIMORE)

A BILL FOR

1 An Act relating to the disposition of abandoned firearms and  
2 ammunition seized by a law enforcement agency.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5118HC (4) 85  
jm/rj



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H.F. \_\_\_\_\_

1 Section 1. Section 809.5, subsection 1, paragraph f,  
2 subparagraph (3), Code 2014, is amended to read as follows:  
3 (3) Notwithstanding ~~subparagraph~~ subparagraphs (1) and  
4 (2), firearms or ammunition ~~with an aggregate fair market~~  
5 ~~value equal to or less than five hundred dollars~~ shall be  
6 deposited with the department of public safety. The firearms  
7 or ammunition may be held by the department of public safety  
8 and be used for law enforcement, testing, or comparisons by the  
9 criminalistics laboratory, or may be destroyed or disposed of  
10 by the department of public safety in accordance with section  
11 809.21.

12 EXPLANATION

13 The inclusion of this explanation does not constitute agreement with  
14 the explanation's substance by the members of the general assembly.

15 This bill relates to the disposition of abandoned firearms  
16 and ammunition seized by a law enforcement agency.

17 The bill requires all firearms or ammunition seized by  
18 a law enforcement agency that are deemed abandoned to be  
19 deposited with the department of public safety. The firearms  
20 or ammunition may be held by the department and used for  
21 law enforcement, testing, comparisons by the criminalistics  
22 laboratory, destroyed, or disposed of in accordance with Code  
23 section 809.21.

24 Current law requires all abandoned firearms or ammunition  
25 seized by a law enforcement agency with an aggregate fair  
26 market value equal to or less than \$500 to be deposited with  
27 the department of public safety and used by the department for  
28 the same aforementioned uses. If the aggregate fair market  
29 value of the abandoned firearms or ammunition seized by a law  
30 enforcement agency is greater than \$500, current law under Code  
31 section 809.5(1)(f)(1) requires the law enforcement agency to  
32 initiate forfeiture proceedings under Code chapter 809A.

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House Study Bill 522 - Introduced

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON JUDICIARY BILL BY  
CHAIRPERSON BALTIMORE)

A BILL FOR

- 1 An Act relating to criminal gang participation.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5119HC (2) 85  
jb/rj



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H.F. \_\_\_\_\_

1 Section 1. Section 723A.2, Code 2014, is amended to read as  
2 follows:

3 **723A.2 Criminal gang participation.**

4 A person who actively participates in or is a member of  
5 a criminal street gang and who ~~willfully aids and abets any~~  
6 ~~criminal act~~ commits or aids and abets any public offense  
7 punishable by a term of imprisonment of one year or more,  
8 committed for the benefit of, at the direction of, or in  
9 association with any criminal street gang, commits a class "D"  
10 felony.

11 EXPLANATION

12 The inclusion of this explanation does not constitute agreement with  
13 the explanation's substance by the members of the general assembly.

14 This bill changes the requirements for an individual to be  
15 charged with a class "D" felony for participating in or being a  
16 member of a criminal street gang. To be charged with a class  
17 "D" felony, the bill requires that an individual participates  
18 in or is a member of a criminal street gang and commits, or  
19 aids and abets, a public offense that is punishable by a term  
20 of imprisonment of one year or more. The bill removes the  
21 criminal culpability requirement of "willfully" aiding or  
22 abetting a criminal act. The bill also changes what act an  
23 individual must commit, or aid and abet, to be charged under  
24 this section from "criminal act" as defined in Code chapter  
25 723A to any public offense (see Code section 701.2) that is  
26 punished by a term of incarceration of one year or more.



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House Study Bill 523 - Introduced

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON JUDICIARY BILL BY  
CHAIRPERSON BALTIMORE)

A BILL FOR

1 An Act restricting disclosures of specified information by  
2 regional transit districts, and providing a penalty.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5426YC (4) 85  
rn/nh



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H.F. \_\_\_\_\_

1 Section 1. Section 28M.1, Code 2014, is amended by adding  
2 the following new subsections:  
3 NEW SUBSECTION. 1A. "*Customer transaction history and fare*  
4 *card use data*" means information relating to the date or time a  
5 fare card or product was purchased or used, the mode of travel,  
6 or the type of fare card or product purchased or used.  
7 NEW SUBSECTION. 1B. "*Fare collection system*" means a system  
8 created and administered by a regional transit district that  
9 is used for collecting fares or providing fare cards or passes  
10 for public transit services including fixed-route bus service,  
11 paratransit bus service, rideshare programs, transportation  
12 services provided pursuant to section 249A.12, and light rail  
13 or commuter rail service.  
14 NEW SUBSECTION. 1C. "*Governmental entity*" means the same  
15 as defined in section 8A.101.  
16 NEW SUBSECTION. 1D. "*Personalized internet services*" means  
17 services for which regional transit district applicants, users,  
18 and customers must establish an internet user account.  
19 Sec. 2. NEW SECTION. 28M.7 **Regional transit district**  
20 **customer data — disclosure restrictions — penalty.**  
21 1. Data concerning applicants, users, and customers of a  
22 regional transit district collected by or through personalized  
23 internet services or a fare collection system shall be  
24 considered private and not subject to disclosure except as  
25 provided in subsection 2.  
26 2. Notwithstanding subsection 1, customer transaction  
27 history and fare card use data may be disclosed under the  
28 following circumstances:  
29 a. To governmental entities, organizations, school  
30 districts, educational institutions, and employers strictly  
31 for purposes of measuring and promoting fare card use and  
32 evaluating the cost-effectiveness of fare card programs.  
33 In the event a user or customer requests in writing that a  
34 regional transit district limit the disclosure of the user's  
35 or customer's customer transaction history and fare card use

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1 data, a regional transit district may disclose only a fare card  
2 balance and the date the card was last used.

3       b. To governmental entities to prevent a breach of security  
4 regarding electronic systems maintained by the regional transit  
5 district or the governmental entity, or pursuant to a subpoena  
6 issued in connection with a civil or criminal investigation.

7     3. A violation of this section is punishable by a civil  
8 penalty in an amount not to exceed five thousand dollars for  
9 each violation.

10	EXPLANATION
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11           The inclusion of this explanation does not constitute agreement with  
12           the explanation's substance by the members of the general assembly.

13 This bill restricts disclosure of specified information by  
14 regional transit districts.

15 The bill provides several new definitions. The bill defines  
16 "customer transaction history and fare card use data" to mean  
17 information relating to the date or time a fare card or product  
18 was purchased or used, the mode of travel, or the type of fare  
19 card or product purchased or used. The bill defines "fare  
20 collection system" to mean a system created and administered  
21 by a regional transit district that is used for collecting  
22 fares or providing fare cards or passes for public transit  
23 services including fixed-route bus service, paratransit bus  
24 service, rideshare programs, transportation services provided  
25 pursuant to Code section 249A.12, and light rail or commuter  
26 rail service. The bill defines "personalized internet  
27 services" to mean services for which regional transit district  
28 applicants, users, and customers must establish an internet  
29 user account. Additionally, the bill references an existing  
30 definition of "governmental entity" defined in Code section  
31 8A.101 as meaning any unit of government in the executive,  
32 legislative, or judicial branch of government; an agency or  
33 political subdivision; any unit of another state government,  
34 including its political subdivisions; any unit of the United  
35 States government; or any association or other organization

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1 whose membership consists primarily of one or more of any of  
2 the foregoing.

3 The bill provides that data concerning applicants, users,  
4 and customers of a regional transit district collected  
5 by or through personalized internet services or a fare  
6 collection system shall be considered private and not subject  
7 to disclosure. The bill provides two exceptions to this  
8 nondisclosure restriction. First, the bill provides that  
9 disclosure may be made to governmental entities, organizations,  
10 school districts, educational institutions, and employers  
11 strictly for purposes of measuring and promoting fare card use  
12 and evaluating the cost-effectiveness of fare card programs.  
13 The bill adds, however, that if a user or customer requests in  
14 writing that a regional transit district limit the disclosure  
15 of the user's or customer's customer transaction history and  
16 fare card use data, a regional transit district may disclose  
17 only a fare card balance and the date the card was last used.  
18 Second, the bill provides that disclosure may be made to  
19 governmental entities to prevent a breach of security regarding  
20 electronic systems maintained by the regional transit district  
21 or the governmental entity, or pursuant to a subpoena issued in  
22 connection with a civil or criminal investigation.  
23 The bill provides that a violation of the bill's provisions  
24 is punishable by a civil penalty in an amount not to exceed  
25 \$5,000 per violation.



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House Study Bill 524 - Introduced

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
AGRICULTURE BILL BY  
CHAIRPERSON GRASSLEY)

A BILL FOR

1 An Act relating to corn promotion, including special  
2 referendums, the assessment of a checkoff, and voting and  
3 refund procedures, and making penalties applicable.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5523YC (4) 85  
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1 Section 1. Section 185C.16, Code 2014, is amended to read  
2 as follows:

3 **185C.16 Notice of referendum.**

4 1. Notice The secretary shall provide a notice of a  
5 referendum election to initiate or terminate a promotional  
6 order. The notice shall be given by publication in a newspaper  
7 of general circulation in this state at least ten days prior to  
8 the date of the referendum and in any other reasonable manner  
9 as determined by the secretary for the initial referendum and  
10 by the board for termination of the promotional order.

11 2. The secretary shall provide notice of a special  
12 referendum to each person included on the producer voting list  
13 as provided in section 185C.20A. The notice shall be delivered  
14 as follows:

15 a. Personally by mail or electronic mail within sixty days  
16 of the date that the special referendum is to be conducted.

17 b. By publication in a newspaper of general circulation in  
18 this state in the same manner provided in subsection 1.

19 Sec. 2. Section 185C.17, Code 2014, is amended to read as  
20 follows:

21 **185C.17 Contents of notice.**

22 The notice of referendum required in section 185C.16  
23 shall set forth the period of time for voting, voting  
24 places, and such other information as the secretary may deem  
25 necessary in an initial referendum. The board shall make such  
26 determinations in any subsequent referendum. A notice for a  
27 special referendum conducted pursuant to section 185C.21 shall  
28 also state that a producer may request a mail ballot to vote as  
29 provided in section 185C.17A.

30 Sec. 3. **NEW SECTION. 185C.17A Voting requirements.**

31 1. An eligible producer shall vote by casting a ballot and  
32 signing a certification form swearing that the producer is  
33 eligible to vote.

34 2. Except as provided in subsection 3, an eligible producer  
35 shall vote at a voting place designated by the secretary.

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1     3. *a.* In the case of a special referendum conducted  
2 pursuant to section 185C.21, an eligible producer may vote by  
3 mail ballot as required by the secretary.  
4     *b.* A producer must submit a mail ballot request card to  
5 the secretary which must be received by the secretary at least  
6 forty-five days before the date of the special referendum.  
7     *c.* Upon receipt of a mail ballot request card, submitted by  
8 a producer, the secretary shall include the producer's name,  
9 address, and any electronic mail address on the producer voting  
10 list required to be maintained under section 185C.20A.  
11    *d.* Upon receipt of a timely submitted mail ballot request  
12 card submitted by a producer, the secretary shall deliver  
13 a mail ballot and certification form to the producer. The  
14 mail ballot and certification form must allow a producer to  
15 easily send the ballot and form together to the secretary via  
16 ordinary mail. The secretary may also deliver an accompanying  
17 envelope addressed to the secretary to each producer requesting  
18 to vote by mail ballot. The secretary must deliver the mail  
19 ballot, certification form, and any accompanying envelope to  
20 the producer at least five days before the date of the special  
21 referendum.  
22    Sec. 4. Section 185C.18, Code 2014, is amended to read as  
23 follows:  
24    **185C.18 Counting ballots.**  
25    At the close of a referendum voting period, the secretary  
26 shall count and tabulate the ballots cast during the referendum  
27 period. In a special referendum conducted pursuant to section  
28 185C.21, a completed mail ballot and certification form as  
29 provided in section 185C.17A must be received by the secretary  
30 on or prior to the date of the special referendum or postmarked  
31 by the United States postal service on or prior to the date of  
32 the special referendum.  
33    Sec. 5. **NEW SECTION. 185C.18A Special referendums —**  
34 **assistive service — authority to contract.**  
35    The secretary may contract with a person qualified to



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1 provide assistance services in conducting special referendums  
2 as provided in section 185C.21. The person may assist the  
3 secretary in providing a notice of the special referendum as  
4 provided in section 185C.16, providing mail ballot request  
5 cards as provided in section 185C.17A, counting ballots as  
6 provided in section 185C.18, and maintaining a producer voting  
7 list as provided in section 185C.20A.

8 Sec. 6. NEW SECTION. 185C.20A Producer voting list —  
9 registration; not a public record.

10 1. The secretary shall maintain a producer voting list. The  
11 producer voting list shall only include the producer's name,  
12 mailing address, and electronic mail address, if any. The  
13 department may purge the list as necessary to remove producers  
14 who are not eligible to vote in a special referendum conducted  
15 pursuant to section 185C.21.

16 2. The secretary shall provide registration postcards to  
17 producers who request to be included on the producer voting  
18 list. A producer shall not be required to be included on the  
19 list.

20 3. The secretary shall provide notice of a special  
21 referendum to each producer included on the producer voting  
22 list as provided in section 185C.16.

23 4. The producer voting list is not a public record under  
24 chapter 22 and is not otherwise subject to access by any  
25 person other than the secretary or a person designated by the  
26 secretary to administer this chapter. A designated person  
27 shall only use the list for purposes of notifying producers of  
28 a special referendum.

29 Sec. 7. Section 185C.21, Code 2014, is amended to read as  
30 follows:

31 185C.21 State assessment — rates.

32 1. The board shall determine and set the state assessment  
33 rate. State assessments collected pursuant to the promotional  
34 order shall be paid into the corn promotion fund established  
35 in section 185C.26. Except as provided in subsection 2, a the

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1 maximum state assessment rate shall not exceed one-quarter of  
2 one cent ~~per~~ imposed on each bushel upon of corn marketed in  
3 this state. ~~The board shall establish the effective date of~~  
4 ~~a rate change.~~

5 2. Upon request of the board, the secretary shall call  
6 a special referendum for producers to vote on whether to  
7 authorize an increase in the state assessment ~~above~~ rate to  
8 exceed the maximum one-quarter of one cent per imposed on  
9 each bushel of corn marketed in this state, notwithstanding  
10 subsection 1. The special referendum shall not be conducted  
11 less than ninety days after the board delivers its request to  
12 the secretary. The special referendum shall be conducted as  
13 provided in this chapter for referendum elections. However,  
14 the special referendum shall not affect the existence or length  
15 of the promotional order in effect. If a majority of the  
16 producers voting in the special referendum approve the state  
17 assessment rate increase, the board may increase the ~~assessment~~  
18 rate to the amount approved in the special referendum. The  
19 board shall establish the effective date of a rate change.  
20 However, a the maximum state assessment rate shall not  
21 exceed ~~one cent per bushel of corn marketed in this state~~ the  
22 scheduled maximum rate determined as follows:

- 23 a. Before September 1, 2014, one cent.  
24 b. For each marketing year of the period beginning September  
25 1, 2014, and ending August 31, 2019, two cents.  
26 c. For each marketing year of the period beginning September  
27 1, 2019, and ending August 31, 2024, three cents.  
28 d. For each marketing year of the period beginning September  
29 1, 2024, and ending August 31, 2029, four cents.  
30 e. For each marketing year beginning on and after September  
31 1, 2029, five cents.

32 Sec. 8. Section 185C.22, Code 2014, is amended to read as  
33 follows:

34 **185C.22 ~~State assessment on purchase invoice~~ Settlement**  
35 **documents.**

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1 After a promotional order has been issued, the first  
2 purchaser at the time of payment for corn shall ~~show~~ provide  
3 the producer with settlement documents which include all of the  
4 following:

5 1. A purchase invoice showing the total amount of the state  
6 assessment deducted from the sale on the purchase invoice.

7 2. A registration postcard as provided in section 185C.20A.

8 3. A refund form as provided in section 185C.27.

9 Sec. 9. Section 185C.25, subsection 3, Code 2014, is amended  
10 to read as follows:

11 3. The secretary shall conduct the election as provided for  
12 a referendum under this chapter, including sections 185C.16  
13 through ~~185C.20~~ 185C.20A. If upon counting and tabulating the  
14 ballots, the secretary determines that a majority of voting  
15 producers favor termination of the state assessment, the  
16 secretary, in cooperation with the board, shall terminate the  
17 state assessment in an orderly manner as soon as practicable.

18 EXPLANATION

19 The inclusion of this explanation does not constitute agreement with  
20 the explanation's substance by the members of the general assembly.

21 GENERAL. This bill amends provisions in Code chapter 185C  
22 which authorizes the collection and expenditure of certain  
23 moneys referred to as a state assessment (assessment), or  
24 so-called "checkoff", which is collected on each bushel of corn  
25 marketed in this state. The assessment is collected when a  
26 corn producer (producer) sells the corn to a first purchaser.  
27 The first purchaser then remits the assessment to the Iowa corn  
28 promotion board (board) which uses the collected moneys for  
29 purposes of promoting the marketing of corn and corn products  
30 and to provide for related education and research programs  
31 and a financial assistance program (Code sections 185C.11,  
32 185C.11A, and 185C.26).

33 BILL — INCREASE IN MAXIMUM RATE OF STATE ASSESSMENT. The  
34 bill increases the maximum rate of the assessment from one to  
35 five cents which must be approved by producers voting in one

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1 or more future special referendums. However, the maximum rate  
2 cannot exceed an amount established according to a schedule  
3 based on a 12-month period referred to as a marketing year  
4 (from September 1 to August 31). The maximum rate existing  
5 during this marketing year (September 1, 2013 to August 31,  
6 2014) must remain at one cent. The maximum rate for the  
7 next five marketing years (September 1, 2014 to August 31,  
8 2019) cannot exceed two cents. The maximum rate for the next  
9 five marketing years (September 1, 2019 to August 31, 2024)  
10 cannot exceed three cents. The maximum rate for the next five  
11 marketing years (September 1, 2024 to August 31, 2029) cannot  
12 exceed four cents. The maximum rate for all future marketing  
13 years beginning September 1, 2029, cannot exceed five cents.

14 BILL — SPECIAL REFERENDUM PROCEDURES. The bill requires  
15 the secretary of agriculture (secretary) to maintain a  
16 producer voting list which includes the names and addresses  
17 of producers to notify in the event that the board calls for  
18 a special referendum to increase the assessment. The list is  
19 not a public record subject to disclosure under Code chapter  
20 22. A producer may submit a mail ballot request card prior  
21 to an upcoming special referendum. If timely received, the  
22 secretary must deliver a mail ballot to the producer together  
23 with a certification form which the producer must return to the  
24 secretary. The completed mail ballot and certification must  
25 be received by the secretary on or prior to the date of the  
26 special referendum or be postmarked on or prior to that day.  
27 The secretary is authorized to contract with a person qualified  
28 to assist in performing services related to conducting a vote  
29 by mail.

30 BILL — SETTLEMENT SHEET. The bill requires that when a  
31 first purchaser provides a purchase invoice to a producer, the  
32 first purchaser must also provide other settlement documents,  
33 including a registration postcard that allows a producer to  
34 be included on the producer voting list and a refund form to  
35 receive back the paid state assessment.





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1 CURRENT LAW — SPECIAL REFERENDUM PROCEDURES. Once the  
2 board notifies the secretary of its decision to propose a rate  
3 increase, the secretary provides notice of the referendum in a  
4 newspaper of general circulation in the state within 10 days  
5 prior to the date of the special referendum (Code section  
6 185C.16). The notice must specify the time and place for  
7 voting.

8 CURRENT LAW — ESTABLISHMENT OF THE BOARD AND ASSESSMENT.  
9 An initial producer referendum established the board and the  
10 imposition of an assessment according to a promotional order  
11 adopted at an initial referendum (Code sections 185C.2 and  
12 185C.3). The assessment was originally set at one quarter  
13 cent.

14 CURRENT LAW — INCREASING THE RATE. In order to increase  
15 the rate, the board must submit the question to producers  
16 at a special referendum conducted by the secretary. The  
17 secretary must provide a notice of the special referendum in  
18 state newspapers (Code section 186C.16). If producers vote to  
19 approve an increase, the board has the discretion to impose the  
20 new rate and set its effective date, so long as the increase  
21 does not exceed the rate approved by producers. The maximum  
22 rate cannot exceed one cent (Code section 185C.21) which is the  
23 rate currently assessed.

24 CURRENT LAW — FIRST PURCHASER'S INVOICE AND PRODUCER'S  
25 RIGHT TO REFUND. The first purchaser must prepare a purchase  
26 invoice at the time of sale stating the amount of the sale  
27 and the associated deduction of the assessment (Code section  
28 185C.22). A producer has 60 days in order to claim a refund  
29 by submitting an application which must include a copy of the  
30 purchase invoice or similar settlement documentation (Code  
31 section 185C.27). Upon request, the board must provide a first  
32 purchaser with an application form, and first purchasers must  
33 furnish application forms to first producers.

34 APPLICABLE PENALTIES. A person who violates a provision  
35 of Code chapter 185C is subject to a simple misdemeanor (Code

LSB 5523YC (4) 85

da/sc

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1 section 185C.31). A simple misdemeanor is punishable by  
2 confinement for no more than 30 days or a fine of at least \$65  
3 but not more than \$625 or both.



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House Study Bill 525 - Introduced

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED GOVERNOR BILL)

A BILL FOR

1 An Act relating to state and school antiharassment and  
2 antibullying policies and providing for training on bullying  
3 prevention, suicide prevention, and professional conduct and  
4 ethics for school personnel.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5269XL (7) 85  
je/nh



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S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 Section 1. SHORT TITLE. This Act shall be known and may be  
2 cited as the "Bully Free Iowa Act of 2014".

3 Sec. 2. Section 256.7, Code 2014, is amended by adding the  
4 following new subsection:

5 NEW SUBSECTION. 33. Adopt rules providing for annual  
6 notification by the department to all school districts and  
7 accredited nonpublic schools regarding the availability of  
8 training meeting the requirements of section 272.2, subsection  
9 19, paragraph "a". After receipt of such notification, a  
10 school district or accredited nonpublic school shall notify  
11 all employees holding a license, certificate, authorization,  
12 or statement of recognition issued by the board of educational  
13 examiners regarding the availability of such training.

14 Sec. 3. Section 272.2, Code 2014, is amended by adding the  
15 following new subsection:

16 NEW SUBSECTION. 19. a. Adopt rules requiring all  
17 individuals applying for or renewing a license, certificate,  
18 authorization, or statement of recognition issued by the  
19 board to complete training approved by the board relating to  
20 bullying prevention, suicide prevention, and the board's code  
21 of professional conduct and ethics, to the extent such training  
22 is made available by the state of Iowa at no charge to the  
23 trainee.

24 b. Adopt rules providing for waiver or suspension of  
25 the training requirements of paragraph "a", if the waiver  
26 or suspension is in the public interest, applicable to an  
27 individual who is engaged in active duty in the military  
28 service of this state or of the United States, to an individual  
29 for whom compliance with the training requirements would impose  
30 a significant hardship, or to an individual who is practicing  
31 in an education profession outside this state.

32 Sec. 4. Section 280.28, subsection 2, paragraphs a and c,  
33 Code 2014, are amended to read as follows:

34 a. "Electronic" means any communication involving the  
35 transmission of information by wire, radio, optical cable,

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1 electromagnetic, or other similar means. *“Electronic”* includes  
2 but is not limited to communication via electronic mail,  
3 internet-based communications including social networking  
4 sites, pager service, cell phones, and electronic text  
5 messaging, or any other electronic communication site, device,  
6 or means.

7 *c. “Trait or characteristic of the student”* includes  
8 but is not limited to age, color, creed, national origin,  
9 race, religion, marital status, sex, sexual orientation,  
10 gender identity, physical attributes, physical or mental  
11 ability or disability, ancestry, political party preference,  
12 political belief, socioeconomic status, ~~or~~ familial status,  
13 behavior, friendship or relationship with others, or any  
14 other distinguishing characteristic. This paragraph shall be  
15 construed broadly to achieve the purposes of this section.

16 Sec. 5. Section 280.28, subsection 3, Code 2014, is amended  
17 by adding the following new paragraph:

18 NEW PARAGRAPH. *h.* A procedure for the prompt notification  
19 of the parents or guardians of all students directly involved  
20 in a reported incident of harassment or bullying. The  
21 procedure may include an exception to the notification  
22 requirement if a school official reasonably believes  
23 notification would subject a student to abuse or neglect.

24 Sec. 6. Section 280.28, Code 2014, is amended by adding the  
25 following new subsection:

26 NEW SUBSECTION. *9. Authority off school grounds.* A school  
27 official may investigate and impose school discipline or take  
28 other action in the case of an alleged incident of harassment  
29 or bullying that occurs outside of school, off of school  
30 property, or away from a school function or school-sponsored  
31 activity if all of the following apply:

32 *a.* A parent, guardian, student, school employee, or  
33 volunteer reports an incident of harassment or bullying  
34 pursuant to the school’s policy adopted under subsection 3,  
35 paragraph *“e”*.

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1       b. The alleged incident of harassment or bullying has an  
2 effect on school grounds that creates an objectively hostile  
3 school environment that meets one or more of the conditions set  
4 out under subsection 2, paragraph "b".

EXPLANATION

6           The inclusion of this explanation does not constitute agreement with  
7           the explanation's substance by the members of the general assembly.

8 This bill relates to bullying and suicide prevention.  
9 The bill requires individuals applying for or renewing  
10 a license, certificate, authorization, or statement of  
11 recognition issued by the board of educational examiners to  
12 complete training approved by the board relating to bullying  
13 prevention, suicide prevention, and the board's code of  
14 professional conduct and ethics, to the extent such training  
15 is made available by the state of Iowa at no charge to the  
16 trainee.

17 The bill requires the board to waive or suspend the training  
18 requirements under certain conditions. The department of  
19 education is to annually notify all school districts and  
20 accredited nonpublic schools of the availability of the  
21 required training. The school districts and accredited  
22 nonpublic schools shall then notify all employees holding  
23 a license, certificate, authorization, or statement of  
24 recognition issued by the board of the availability of such  
25 training.

26 The bill modifies the definition of "electronic" under state  
27 law relating to school antiharassment and antibullying policies  
28 by adding any other electronic communication site, device, or  
29 means to the definition and by including social networking  
30 sites as part of the term "internet-based communications".

31 The bill modifies the definition of "harassment" and  
32 "bullying" under state law relating to school antiharassment  
33 and antibullying policies by adding behavior, friendship  
34 or relationship with others, or any other distinguishing  
35 characteristic to the definition. The bill provides that the

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1 definition of "harassment" and "bullying" is to be construed  
2 broadly to achieve the purposes of the law.

3 The bill requires school antiharassment and antibullying  
4 policies to include a procedure for the prompt notification of  
5 the parents or guardians of all students directly involved in a  
6 reported incident of harassment or bullying. The bill provides  
7 that the procedure may include an exception to the notification  
8 requirement if a school official reasonably believes  
9 notification would subject a student to abuse or neglect.

10 The bill grants school officials the authority to  
11 investigate and impose school discipline or take other action  
12 in cases of alleged incidents of harassment or bullying that  
13 occur outside of school, off of school property, or away from  
14 school functions or school-sponsored activities if certain  
15 conditions are met. Those conditions are that a parent,  
16 guardian, student, school employee, or volunteer reports an  
17 incident of harassment or bullying pursuant to the school's  
18 antiharassment and antibullying policy; and that the alleged  
19 incident of harassment or bullying has an effect on school  
20 grounds that creates an objectively hostile school environment  
21 that places the student in reasonable fear of harm to the  
22 student's person or property; has a substantially detrimental  
23 effect on the student's physical or mental health; has the  
24 effect of substantially interfering with a student's academic  
25 performance; or has the effect of substantially interfering  
26 with the student's ability to participate in or benefit from  
27 the services, activities, or privileges provided by a school.



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House Study Bill 526 - Introduced

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
PUBLIC HEALTH BILL)

A BILL FOR

1 An Act relating to the Iowa health information network.

2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:





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S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 Section 1. Section 135.154, Code 2014, is amended by adding  
2 the following new subsections:

3 NEW SUBSECTION. 3A. "*Care coordination*" means the  
4 management of all aspects of a patient's care to improve health  
5 care quality, patient outcomes, and patient safety.

6 NEW SUBSECTION. 19A. "*Public health activities*" means  
7 actions taken by a participant in its capacity as a public  
8 health authority under the Health Insurance Portability and  
9 Accountability Act or as required or permitted by other federal  
10 or state law.

11 NEW SUBSECTION. 23. "*Record locator service*" means the  
12 functionality of the Iowa health information network that  
13 queries data sources to locate and identify potential patient  
14 records.

15 Sec. 2. Section 135.156E, subsection 13, Code 2014, is  
16 amended to read as follows:

17 13. Unless otherwise provided in this division, when ~~using~~  
18 sharing health information through the Iowa health information  
19 network or a private health information network maintained  
20 in this state that complies with the privacy and security  
21 requirements of this chapter for the purposes of patient  
22 treatment, ~~a health care professional or a hospital~~ payment  
23 or health care operations, as such terms are defined in the  
24 Health Insurance Portability and Accountability Act, or for  
25 the purposes of public health activities or care coordination,  
26 a participant authorized by the department to use the record  
27 locator service is exempt from any other state law that is  
28 more restrictive than the Health Insurance Portability and  
29 Accountability Act that would otherwise prevent or hinder the  
30 exchange of patient information by the ~~patient's health care~~  
31 ~~professional or hospital~~ participant.

32 EXPLANATION

33 The inclusion of this explanation does not constitute agreement with  
34 the explanation's substance by the members of the general assembly.

35 This bill amends a provision exempting health care

LSB 5306XD (8) 85  
pf/nh

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S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 professionals and hospitals from state laws more restrictive  
2 than the federal Health Insurance Portability and  
3 Accountability Act (HIPAA) that would prevent or hinder the  
4 exchange of patient information by the health care professional  
5 or hospital when using the Iowa health information network  
6 (IHIN) or a private health information network that complies  
7 with the privacy and security requirements for the IHIN,  
8 for the purposes of patient treatment. The bill continues  
9 to limit the exemption to the sharing of health information  
10 through the IHIN or private network, but adds payment and  
11 health care operations (as defined in HIPAA) and public health  
12 activities and care coordination to the purposes allowed for  
13 such exemption, and substitutes participants authorized to  
14 use the record locator service under the IHIN for health care  
15 professionals and hospitals as the persons exempted. The terms  
16 "care coordination", "public health activities", and "record  
17 locator service" are defined in the bill.



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House Study Bill 527 - Introduced

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
HUMAN RESOURCES BILL BY  
CHAIRPERSON MILLER)

A BILL FOR

1 An Act relating to the admission or retention of participants  
2 in an adult day services program.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5334YC (2) 85  
ad/nh



Iowa General Assembly  
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H.F. \_\_\_\_\_

1 Section 1. NEW SECTION. 231D.19 Admission and retention of  
2 participants.

3 An adult day services program shall not knowingly admit or  
4 retain a participant who meets any of the following criteria:

5 1. Is under the age of eighteen.

6 2. Requires routine three-person assistance with standing,  
7 transfer, or evacuation.

8 3. Poses a danger to the participant, other participants,  
9 or the adult day services program staff. "*Pose a danger*" may  
10 include but is not limited to the following situations:

11 a. The participant chronically elopes despite intervention.

12 b. The participant is sexually or physically aggressive or  
13 abusive.

14 c. The participant's verbal abuse is unmanageable by staff.

15 d. The participant is in the acute stage of alcoholism, drug  
16 addiction, or mental illness.

17 EXPLANATION

18 The inclusion of this explanation does not constitute agreement with  
19 the explanation's substance by the members of the general assembly.

20 This bill establishes criteria that would prohibit the  
21 admission or retention of a participant in an adult day  
22 services program. The program may not knowingly admit or  
23 retain a participant who is under 18 years of age, requires  
24 three-person assistance, poses a danger to the participant, to  
25 other participants, or to the staff of the adult day services  
26 program. The department of inspections and appeals may deny,  
27 suspend, or revoke certification of the adult day services  
28 program for failure to comply with this requirement.

LSB 5334YC (2) 85  
ad/nh

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House Study Bill 528 - Introduced

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
PUBLIC HEALTH BILL)

A BILL FOR

1 An Act concerning licensure requirements for dietetics as  
2 established or approved by the academy of nutrition and  
3 dietetics.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5310XD (5) 85  
ad/nh



Iowa General Assembly  
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S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 Section 1. Section 152A.2, subsection 1, Code 2014, is  
2 amended to read as follows:

3 1. An applicant shall be issued a license to practice  
4 dietetics by the board when the applicant satisfies all of the  
5 following:

6 a. Possesses a baccalaureate degree or postbaccalaureate  
7 degree with a major course of study in human nutrition, food  
8 and nutrition, dietetics, or food systems management, or  
9 in an equivalent major course of study which meets minimum  
10 academic requirements as established by the ~~American dietetic~~  
11 ~~association~~ accreditation council for education in nutrition  
12 and dietetics of the academy of nutrition and dietetics and  
13 approved by the board.

14 b. Completes an ~~internship or preplanned professional~~  
15 ~~experience program~~ accredited competency-based supervised  
16 experience program approved by the ~~American dietetic~~  
17 ~~association~~ accreditation council for education in nutrition  
18 and dietetics of the academy of nutrition and dietetics and  
19 approved by the board.

20 c. Satisfactorily completes an the commission on dietetic  
21 registration of the academy of nutrition and dietetics  
22 examination designed approved by the board.

23 Sec. 2. Section 152A.3, subsection 2, Code 2014, is amended  
24 to read as follows:

25 2. Dietetics students who engage in clinical practice under  
26 the supervision of a dietitian as part of a dietetic education  
27 program ~~approved or accredited by the American dietetic~~  
28 ~~association~~ or a competency-based supervised experience  
29 program approved by the accreditation council for education  
30 in nutrition and dietetics of the academy of nutrition and  
31 dietetics.

32 Sec. 3. Section 152A.3, subsection 4, paragraph b, Code  
33 2014, is amended to read as follows:

34 b. Conducting a teaching clinical demonstration in  
35 connection with a program of basic clinical education, graduate



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1 education, or postgraduate education which is sponsored by  
2 a dietetic education program or ~~accredited by the American~~  
3 ~~dietetic association and carried out in an educational~~  
4 ~~institution or its affiliated clinical facility or health~~  
5 ~~care agency, or before a group of licensed dietitians a~~  
6 competency-based supervised experience program approved by the  
7 accreditation council for education in nutrition and dietetics  
8 of the academy of nutrition and dietetics.

9 EXPLANATION

10 The inclusion of this explanation does not constitute agreement with  
11 the explanation's substance by the members of the general assembly.

12 This bill relates to licensure requirements for dietetics.  
13 The bill changes references from the American dietetic  
14 association to the academy of nutrition and dietetics to  
15 reflect the association's name change. The bill also specifies  
16 that the accreditation council for education in nutrition  
17 and dietetics is the credentialing agency within the academy  
18 of nutrition and dietetics. Further, the bill states that  
19 a dietitian, to obtain licensure in Iowa, must complete an  
20 examination approved by both the academy of nutrition and  
21 dietetics and the board of dietetics rather than just the  
22 board. The bill allows an exemption from licensure for  
23 dietetic students engaged in a competency-based supervised  
24 experience program approved by the academy of nutrition  
25 and dietetics and for dietitians conducting a teaching  
26 demonstration in connection with clinical education sponsored  
27 by a competency-based supervised experience program, rather  
28 than just a dietetic education program.



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House Study Bill 529 - Introduced

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
HUMAN RESOURCES BILL BY  
CHAIRPERSON MILLER)

A BILL FOR

1 An Act relating to Miller trusts and including applicability  
2 provisions.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TL5B 5181YC (4) 85  
pf/nh





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H.F. \_\_\_\_\_

1 Section 1. Section 633C.3, subsection 1, unnumbered  
2 paragraph 1, Code 2014, is amended to read as follows:  
3 Regardless of the terms of a medical assistance income  
4 trust, if the beneficiary's total monthly income is less  
5 than one hundred and twenty-five percent of the average  
6 statewide charge for nursing facility services to a private  
7 pay resident of a nursing facility, then, during the life of  
8 the beneficiary, any property received or held by the trust  
9 shall be expended only as follows, as applicable, and in the  
10 following order of priority:

11 Sec. 2. Section 633C.3, subsection 2, unnumbered paragraph  
12 1, Code 2014, is amended to read as follows:

13 Regardless of the terms of a medical assistance income  
14 trust, if the beneficiary's total monthly income is at or above  
15 one hundred and twenty-five percent of the average statewide  
16 charge for nursing facility services to a private-pay resident,  
17 then, during the life of the beneficiary, any property received  
18 or held by the trust shall be expended only as follows, as  
19 applicable, in the following order of priority:

20 Sec. 3. APPLICABILITY. This Act applies to trusts in  
21 existence on or after July 1, 2014.

22 EXPLANATION

23 The inclusion of this explanation does not constitute agreement with  
24 the explanation's substance by the members of the general assembly.

25 This bill increases the percentage, relative to the average  
26 statewide charge for nursing facility services to a private  
27 pay resident of a nursing facility, to which the total monthly  
28 income of a beneficiary of a Miller Trust is compared to  
29 determine how any property received or held by the trust during  
30 the life of the beneficiary is to be expended. Currently, the  
31 comparative percentage is 100 percent of the average statewide  
32 charge. The bill increases the percentage to 125 percent of  
33 the average statewide charge.

34 The bill is applicable to trusts in existence on or after  
35 July 1, 2014.

LSB 5181YC (4) 85  
pf/nh

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House Study Bill 530 - Introduced

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
HUMAN RESOURCES BILL BY  
CHAIRPERSON MILLER)

A BILL FOR

1 An Act requiring reporting of immunizations or vaccinations to  
2 the statewide immunization registry.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5215YC (2) 85  
ad/nh



Iowa General Assembly  
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H.F. \_\_\_\_\_

1 Section 1. NEW SECTION. 135.45 Reporting immunizations to  
2 registry.

3 1. A health care provider, hospital, clinic, pharmacy,  
4 health care facility, local board of health, public  
5 health agency, or other person or entity that administers  
6 vaccines shall directly report any immunization or vaccine  
7 administration to the statewide immunization registry within  
8 thirty days following the administration of the immunization  
9 or vaccine.

10 2. The department shall adopt rules to implement the  
11 requirements of this section.

12 Sec. 2. Section 155A.44, subsection 3, Code 2014, is amended  
13 to read as follows:

14 3. Prior to the administration of a vaccination or  
15 immunization authorized by subsection 4, paragraph "b",  
16 subparagraphs (2) through (4), pursuant to the required  
17 protocols, a licensed pharmacist shall consult and review the  
18 statewide immunization registry or health information network.  
19 The board shall adopt rules requiring the reporting of the  
20 administration of vaccines and immunizations authorized by  
21 subsection 4, paragraph "b", subparagraphs (2) through (4), to  
22 a patient's primary health care provider, primary physician,  
23 and a the statewide immunization registry ~~or health information~~  
24 ~~network~~ as provided in section 135.45.

25 EXPLANATION

26 The inclusion of this explanation does not constitute agreement with  
27 the explanation's substance by the members of the general assembly.

28 This bill requires any entity or person administering a  
29 vaccine or immunization to report the administration of that  
30 immunization or vaccine directly to the statewide immunization  
31 registry within 30 days following the administration of the  
32 vaccine. The bill also makes changes in the pharmacy Code  
33 chapter to reflect the mandatory reporting requirement.

34 The bill directs the department of public health to adopt  
35 rules to implement the reporting requirement.

LSB 5215YC (2) 85  
ad/nh

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Iowa General Assembly  
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House Study Bill 531 - Introduced

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED STATE PUBLIC  
DEFENDER BILL)

A BILL FOR

1 An Act relating to payments from the indigent defense fund by  
2 the state public defender, and providing penalties.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5287DP (5) 85  
jm/rj



Iowa General Assembly  
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S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 Section 1. Section 13B.4, subsection 4, paragraph d, Code  
2 2014, is amended by striking the paragraph.

3 Sec. 2. Section 13B.4, subsection 8, Code 2014, is amended  
4 to read as follows:

5 8. The state public defender shall adopt rules, as  
6 necessary, pursuant to chapter 17A to interpret and administer  
7 this chapter, and chapter 815, and sections 229A.6, 232.11,  
8 232.89, 232.113, 232.126, 232.141, 232.179, 600A.6A, 600A.6B,  
9 814.11, and 908.2A. The state public defender shall have the  
10 discretion to interpret such rules.

11 Sec. 3. NEW SECTION. 13B.4A Judicial review of agency  
12 action.

13 1. Notwithstanding chapter 17A, a claimant for payment of  
14 indigent defense costs may seek judicial review of the state  
15 public defender's final agency action denying or reducing any  
16 claim by filing a motion for judicial review in the court with  
17 jurisdiction over the original appointment. This section is  
18 the sole and exclusive method of seeking judicial review of the  
19 state public defender's action on any claim for payment.

20 a. A claimant may only file the motion after the state  
21 public defender has taken final agency action, as defined by  
22 the state public defender, on the claim, and the claimant must  
23 file the motion within twenty days of the date that the state  
24 public defender provides notice of the final agency action to  
25 the claimant.

26 b. Failure to seek judicial review within twenty days of  
27 the date that the state public defender provides notice to the  
28 claimant of final agency action as defined by the state public  
29 defender shall preclude any judicial review of the action taken  
30 by the state public defender.

31 c. The motion must clearly and concisely set forth the  
32 grounds for error and any other grounds the claimant intends  
33 to rely upon when challenging the action of the state public  
34 defender.

35 2. a. The court shall set the motion for hearing and

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1 provide the state public defender with at least ten days'  
2 notice of the hearing. The state public defender shall not  
3 be required to file a resistance to the motion for judicial  
4 review.

5     *b.* The claimant or state public defender may participate  
6 in the hearing by telephone. If the state public defender  
7 participates by telephone, the state public defender shall be  
8 responsible for initiating the telephone call and paying all  
9 telephone charges incurred for the hearing.

10     3. The claimant shall have the burden to show by a  
11 preponderance of the evidence any of the following, otherwise  
12 the action of the state public defender shall be affirmed:

13     *a.* The action of the state public defender violates the  
14 Constitution of the United States or the Constitution of the  
15 State of Iowa, a statute, or an administrative rule adopted by  
16 the state public defender.

17     *b.* The action of the state public defender is arbitrary,  
18 capricious, or an abuse of discretion.

19     4. In a hearing on a motion for judicial review of an action  
20 of the state public defender the following shall apply:

21     *a.* The state public defender's interpretation of the rules  
22 adopted by the state public defender or a statute, which the  
23 state public defender is vested with discretion to interpret  
24 pursuant to section 13B.4, subsection 8, is binding on the  
25 court unless the interpretation is irrational, illogical, or a  
26 wholly unjustifiable interpretation of the law.

27     *b.* Factual findings of the state public defender must be  
28 accepted by the court unless not supported by substantial  
29 evidence.

30     *c.* If the state public defender provides an administrative  
31 procedure for review of an action on a claim, the court shall  
32 not consider any grounds for error or any other grounds unless  
33 raised with the state public defender prior to the final agency  
34 action, and the court shall not admit new evidence that was  
35 not presented to the state public defender prior to the final

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1 agency action.

2 5. If the state public defender is not first notified and  
3 given an opportunity to be heard, any court order entered after  
4 the state public defender has taken action on the claim, which  
5 affects the claim, is void.

6 6. The decision of the court following a hearing on a motion  
7 for judicial review is a final judgment appealable by either  
8 the claimant or state public defender.

9 Sec. 4. Section 13B.4B, subsection 2, paragraphs c and d,  
10 Code 2014, are amended to read as follows:

11 c. The state public defender may in the state public  
12 defender's sole discretion release claims and supporting  
13 documents, including any information that would otherwise  
14 be confidential in sections 232.147 through 232.150, to the  
15 auditor of state, the Iowa supreme court attorney disciplinary  
16 board, the grievance commission of the supreme court of Iowa,  
17 or to other state or local agencies to the extent necessary  
18 to investigate fraud or other criminal activity against the  
19 attorney or vendor submitting the claim.

20 d. The state public defender may release the claim and  
21 supporting documents to the court with respect to a hearing  
22 held under section ~~13B.4, subsection 4, paragraph "d"~~ 13B.4A.

23 Sec. 5. Section 232.151, Code 2014, is amended to read as  
24 follows:

25 **232.151 Criminal penalties.**

26 Any person who knowingly discloses, receives, or makes  
27 use or permits the use of information derived directly or  
28 indirectly from the records concerning a child referred to in  
29 sections 232.147 ~~to~~ through 232.150, except as provided by  
30 those sections or section 13B.4B, subsection 2, paragraph "c",  
31 shall be guilty of a serious misdemeanor.

32 Sec. 6. Section 600A.6B, Code 2014, is amended to read as  
33 follows:

34 **600A.6B Payment of attorney fees.**

35 1. A person filing a petition for termination of parental

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1 rights under this chapter ~~or the person on whose behalf the~~  
2 ~~petition is filed~~ shall be responsible for the payment of  
3 reasonable attorney fees for services provided by counsel  
4 appointed pursuant to section 600A.6A in juvenile court or in  
5 an appellate proceeding initiated by the person filing the  
6 petition unless the person filing the petition is a private  
7 child-placing agency ~~as defined in section 238.1~~ licensed under  
8 chapter 238 or ~~unless~~ the court determines that the person  
9 filing the petition ~~or the person on whose behalf the petition~~  
10 ~~is filed~~ is indigent.

11 2. If the person filing the petition is a private  
12 child-placing agency ~~as defined in section 238.1~~ licensed  
13 under chapter 238 or if the person filing the petition ~~or the~~  
14 ~~person on whose behalf the petition is filed~~ is indigent, the  
15 ~~appointed attorney shall be paid reasonable attorney fees~~  
16 prospective parent on whose behalf the petition is filed  
17 shall be responsible for the payment of reasonable attorney  
18 fees for services provided in juvenile court or an appellate  
19 proceeding as determined by the state public defender for  
20 counsel appointed pursuant to section 600A.6A unless the court  
21 determines that the prospective parent on whose behalf the  
22 petition is filed is indigent.

23 3. If the prospective parent on whose behalf the petition  
24 is filed is indigent, and if the person filing the petition  
25 is indigent or a private child-placing agency licensed under  
26 chapter 238, the appointed counsel shall be paid reasonable  
27 attorney fees as determined by the state public defender from  
28 the indigent defense fund established in section 815.11.

29 ~~3.~~ 4. If the parent against whom the petition is filed  
30 appeals a termination order under section 600A.9, subsection 1,  
31 paragraph "b", the person who filed the petition or the person  
32 on whose behalf the petition is filed shall not be responsible  
33 for the payment of attorney fees for services provided by  
34 counsel appointed pursuant to section 600A.6A in the appellate  
35 proceeding. Instead, the appointed attorney shall be paid

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1 reasonable attorney fees as determined by the state public  
2 defender from the indigent defense fund established pursuant  
3 to section 815.11.

4 ~~4.~~ 5. The state public defender shall review all the  
5 claims submitted under ~~this section~~ subsection 3 or 4 and shall  
6 have the same authority with regard to the payment of these  
7 claims as the state public defender has with regard to claims  
8 submitted under chapters 13B and 815, including the authority  
9 to adopt rules concerning the review and payment of claims  
10 submitted.

11 **Sec. 7. NEW SECTION. 815.1 Costs incurred by a privately**  
12 **retained attorney representing an indigent person.**

13 1. The court shall not authorize the payment of state  
14 funds for the costs incurred in the legal representation of a  
15 person represented by a privately retained attorney unless the  
16 requirements of this section are satisfied.

17 2. An application for the payment of state funds for the  
18 costs incurred in the legal representation of an indigent  
19 person that is submitted by the privately retained attorney  
20 shall be submitted in camera to the court in the county in  
21 which the case was filed and include the following:

22 a. A copy of the attorney's fee agreement for the  
23 representation.

24 b. An itemized accounting of all compensation paid to the  
25 attorney including the amount of any retainer.

26 c. The amount of compensation earned by the attorney.

27 d. Information on any expected additional costs to be paid  
28 or owed by the represented person to the attorney for the  
29 representation.

30 e. A signed financial affidavit completed by the represented  
31 person.

32 3. The attorney shall submit a copy of the application and  
33 all attached documents to the state public defender.

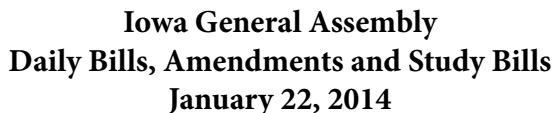
34 4. The court shall not grant the application and authorize  
35 all or a portion of the payment to be made from state funds

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1 unless the court determines, after reviewing the application  
2 and supporting documents, that all of the following apply:

3     *a.* The represented person is indigent and unable to pay for  
4 the costs sought to be paid by the attorney.

5     *b.* The costs are reasonable and necessary for the  
6 representation of the person in a case for which counsel could  
7 have been appointed under section 815.10.

8     *c.* The moneys paid or to be paid to the attorney by or on  
9 behalf of the represented person are insufficient to pay all or  
10 a portion of the costs sought to be paid from state funds.

11     (1) In determining whether the moneys paid or to be paid to  
12 the attorney are insufficient for purposes of this paragraph  
13 "*c*", the court shall add the hours previously worked to the  
14 hours expected to be worked to finish the case and multiply  
15 that sum by the hourly rate of compensation specified under  
16 section 815.7.

17     (2) If the product calculated in subparagraph (1) is  
18 greater than the moneys paid or to be paid to the attorney by  
19 or on behalf of the represented person, the moneys shall be  
20 considered insufficient to pay all or a portion of the costs  
21 sought to be paid from state funds.

22     (3) If the private attorney is retained on a flat fee  
23 agreement, and a precise record of hours worked is not  
24 available, the privately retained attorney shall provide the  
25 court a reasonable estimate of the time expended to allow the  
26 court to make the calculation pursuant to this paragraph "*c*".

27     5. This section applies to payments to witnesses under  
28 section 815.4, evaluators, investigators, and certified  
29 shorthand reporters, and for other costs incurred in the legal  
30 representation.

31     6. This section shall not be construed to restrict payment  
32 of costs on behalf of an indigent person represented on a pro  
33 bono basis.

35           The inclusion of this explanation does not constitute agreement with

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1 the explanation's substance by the members of the general assembly.

2 This bill relates to payments from the indigent defense fund  
3 by the state public defender.

4 The bill specifies the state public defender may adopt rules  
5 to interpret and administer Code sections 229A.6 (sexually  
6 violent predators), 232.11 (juvenile delinquency), 232.89  
7 (child in need of assistance), 232.113 (termination of parental  
8 rights in juvenile court), 232.126 (appointment of guardian  
9 ad litem for family in need of assistance), 232.141 (juvenile  
10 court expenses and costs), 232.179 (appointment of counsel and  
11 guardian ad litem for voluntary foster care placement), 600A.6A  
12 (termination of parental rights), 600A.6B (payment of attorney  
13 fees for termination of parental rights), 814.11 (indigent's  
14 right to counsel), and 908.2A (appointment of an attorney for  
15 violations of probation or parole).

16 The bill strikes the current provisions for judicial review  
17 of an indigent fee claim in Code section 13B.4(4)(d) and  
18 replaces this provision with new Code section 13B.4A. Under  
19 the bill, an indigent defense claimant may seek judicial review  
20 of the final agency action of the state public defender denying  
21 or reducing an indigent defense claim by filing a motion  
22 for judicial review in the court with jurisdiction over the  
23 original court appointment.

24 The bill requires the motion to be filed within 20 days of  
25 the date that the state public defender provides notice of the  
26 final agency action to the claimant. The bill also requires  
27 the motion to clearly and concisely set forth the grounds  
28 for error the claimant intends to rely upon when challenging  
29 the final agency action of the state public defender. Under  
30 the bill, failure to seek judicial review within 20 days of  
31 the notice provided by the state public defender precludes  
32 any judicial review of the action taken by the state public  
33 defender.

34 The bill requires the motion to be set for a hearing and that  
35 the state public defender be provided at least 10 days' notice

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1 of the hearing. The bill does not require the state public  
2 defender to file a resistance to the motion. The claimant or  
3 state public defender may appear at the hearing by telephone,  
4 however, if the state public defender appears by telephone, the  
5 state public defender shall be responsible for initiating and  
6 paying all telephone charges incurred during the hearing.

7 The bill specifies that if the state public defender is not  
8 first notified and given an opportunity to be heard on a motion  
9 to review a claim for payment, any court order entered after  
10 the state public defender has taken action on the claim, which  
11 affects the claim, is void.

12 The bill requires the claimant to prove by a preponderance of  
13 the evidence that the final agency action of the state public  
14 defender violated the constitutions of the United States or the  
15 State of Iowa, a statute, or an administrative rule, or that  
16 the final agency action was arbitrary, capricious, or an abuse  
17 of discretion.

18 Under the bill, if the state public defender provides an  
19 administrative procedure for review of an action on a claim,  
20 the court, during judicial review, shall not consider any  
21 grounds for error unless raised with the state public defender  
22 prior to the final agency action, and the court is prohibited  
23 from admitting new evidence that was not previously presented  
24 to the state public defender.

25 The bill also allows the state public defender to provide  
26 indigent defense claims and supporting documents relating to  
27 confidential juvenile records to the auditor of state, the  
28 Iowa supreme court attorney disciplinary board, or grievance  
29 commission, or to other state or local agencies for the purpose  
30 of investigating fraud or criminal activity. Current law  
31 allows the release of indigent defense claims and supporting  
32 documents for the purpose of investigating fraud or criminal  
33 activity but does not specifically allow for the release of  
34 confidential juvenile records for the purpose of investigating  
35 fraud or other criminal activity.

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1 The bill makes it a serious misdemeanor for a person to  
2 knowingly disclose confidential juvenile information relating  
3 to an indigent defense claim except as provided in Code section  
4 13B.4B(2)(c). Current law allows disclosure of confidential  
5 juvenile information under Code sections 232.147 through  
6 232.150.

7 The bill provides that a child-placing agency licensed under  
8 Code chapter 238 may file a petition to terminate parental  
9 rights under Code chapter 600A. Current law specifies a  
10 child-placing agency as defined in Code section 238.1 may file  
11 such a petition.

12 The bill specifies that if a person filing a petition  
13 to terminate parental rights under Code chapter 600A is a  
14 child-placing agency licensed under Code chapter 238 or if the  
15 person filing the petition is indigent, the prospective parent  
16 on whose behalf the petition is filed shall be responsible for  
17 the payment of reasonable attorney fees in the case, unless the  
18 court determines the prospective parent on whose behalf the  
19 petition is filed is indigent.

20 If a prospective parent on whose behalf a petition is filed  
21 is indigent, and if the person filing the petition is indigent  
22 or a child-placing agency licensed under Code chapter 238  
23 files the petition, the bill requires the appointed attorney  
24 in the case to be paid reasonable attorney fees as determined  
25 by the state public defender from the indigent defense fund  
26 established in Code section 815.11.

27 The bill establishes a process for payment of state funds  
28 to a privately retained attorney for the costs incurred in the  
29 legal representation of a person who is later determined to be  
30 indigent.

31 Under the bill, the privately retained attorney shall submit  
32 an application for the payment of state funds in camera with  
33 the court in the county in which the case was filed. The bill  
34 requires the application to include a copy of the attorney's  
35 fee agreement, an itemized accounting of all compensation

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1 paid to the attorney including the amount of any retainer,  
2 information on any expected additional expense paid or owed  
3 to the attorney in the case, and a signed financial affidavit  
4 completed by the represented person.

5 The bill requires a copy of the application to be submitted  
6 to the state public defender.

7 The bill prohibits the payment of state funds to a privately  
8 retained attorney unless the court determines that the  
9 represented person is indigent and unable to pay for the  
10 expenses sought to be paid by the attorney, the expense of the  
11 attorney is reasonable and necessary for the representation of  
12 an indigent person for which counsel could have been appointed,  
13 and the moneys paid or to be paid by or on behalf of the  
14 represented person to the private attorney are insufficient to  
15 pay all or a portion of the expenses sought to be paid from  
16 state funds. In determining whether the moneys paid or to be  
17 paid to the attorney are insufficient, the bill requires the  
18 court to add the hours previously worked to the hours expected  
19 to be worked to finish the case and to multiply that sum by the  
20 hourly rate of compensation specified under Code section 815.7.  
21 If this calculation is greater than the moneys paid or to be  
22 paid by or on behalf of the represented person to the attorney,  
23 the bill specifies the moneys shall be considered insufficient  
24 to pay all or a portion of the expenses sought to be paid  
25 from state funds, and the court may authorize the payment of  
26 state funds to the extent the moneys paid or to be paid to the  
27 attorney are insufficient to pay the expenses as calculated  
28 by the court. If the private attorney is retained on a flat  
29 fee agreement, and a precise record of hours worked is not  
30 available, the bill requires the privately retained attorney to  
31 provide the court a reasonable estimate of the time expended to  
32 allow the court to determine whether state funds must be paid  
33 to the privately retained attorney.

34 This process of the payment of state funds established in  
35 the bill also applies to payments to witnesses, evaluators,

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1 investigators, and certified shorthand reporters, and for other  
2 costs incurred in the legal representation. However, nothing  
3 in the bill is to be construed to restrict payment of expenses  
4 from state funds on behalf on an indigent person represented by  
5 an attorney on a pro bono basis.



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House Study Bill 532 - Introduced

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED STATE PUBLIC  
DEFENDER BILL)

A BILL FOR

1 An Act establishing the Gideon fellowship program in the office  
2 of the state public defender.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1       Section 1. NEW SECTION. 13B.12 Gideon fellowship.  
2       The state public defender may establish a Gideon fellowship  
3 program for the entry level hiring and training of public  
4 defender attorneys. The state public defender may appoint  
5 up to four Gideon fellows for a term of up to two years and  
6 may assign each fellow to a local public defender office or  
7 appellate defender office. Each fellow shall be a licensed  
8 attorney admitted to practice law in this state prior to  
9 commencement of the fellowship.

10	EXPLANATION
----	-------------

11           The inclusion of this explanation does not constitute agreement with  
12           the explanation's substance by the members of the general assembly.

13       This bill establishes a Gideon fellowship program in the  
14 office of the state public defender.

15 Under the bill, the state public defender may appoint  
16 up to four Gideon fellows for a term of up to two years and  
17 may assign each fellow to a local public defender office or  
18 appellate defender office. Each fellow is required to be a  
19 licensed attorney admitted to practice law in this state prior  
20 to commencement of the fellowship.



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House Study Bill 533 - Introduced

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
INSPECTIONS AND APPEALS  
BILL)

A BILL FOR

1 An Act relating to employment, disciplinary, and other  
2 procedures for entities regulated by the department of  
3 inspections and appeals, and including applicability  
4 provisions.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 135B.34, subsection 2, paragraph b,  
2 subparagraph (2), Code 2014, is amended to read as follows:

3 (2) Subparagraph (1) applies to a crime that is a simple  
4 misdemeanor offense under section 123.47 ~~or chapter 321~~, and  
5 to a crime that is a first offense of operating a motor vehicle  
6 while intoxicated under section 321J.2, subsection 1.

7 Sec. 2. Section 135C.10, subsection 9, Code 2014, is amended  
8 to read as follows:

9 9. In the case of an application by an existing licensee  
10 for a new or newly acquired facility, continuing or repeated  
11 failure of the licensee to operate any previously licensed  
12 facility or facilities in compliance with the provisions of  
13 this chapter ~~or of~~, the rules adopted pursuant to ~~it~~ this  
14 chapter, or equivalent provisions that the facility is subject  
15 to in this state or any other state.

16 Sec. 3. Section 135C.10, Code 2014, is amended by adding the  
17 following new subsection:

18 NEW SUBSECTION. 11. Impeding the department's ability to  
19 ensure the facility's compliance with this chapter or with  
20 rules adopted pursuant to this chapter.

21 Sec. 4. Section 135C.11, subsection 2, Code 2014, is amended  
22 to read as follows:

23 2. The procedure governing hearings authorized by this  
24 section shall be in accordance with the rules promulgated by  
25 the department. A full and complete record shall be kept  
26 of all proceedings, and all testimony shall be reported but  
27 need not be transcribed unless judicial review is sought  
28 pursuant to section 135C.13. Copies of the transcript may be  
29 obtained by an interested party upon payment of the cost of  
30 preparing the copies. Witnesses may be subpoenaed by either  
31 party and shall be allowed fees at a rate prescribed by the  
32 department's rules. The director may, after advising ~~the~~  
33 ~~certified volunteer long-term care ombudsman~~ a representative  
34 of the office of long-term care ombudsman, either proceed in  
35 accordance with section 135C.30, or remove all residents and

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1 suspend the license or licenses of any health care facility,  
2 prior to a hearing, when the director finds that the health  
3 or safety of residents of the health care facility requires  
4 such action on an emergency basis. ~~The fact that a certified~~  
5 ~~volunteer long-term care ombudsman has not been appointed for a~~  
6 ~~particular facility shall not bar the director from exercising~~  
7 ~~the emergency powers granted by this subsection with respect~~  
8 ~~to that facility.~~

9 Sec. 5. Section 135C.13, Code 2014, is amended to read as  
10 follows:

11 **135C.13 Judicial review.**

12 Judicial review of any action of the director may be sought  
13 in accordance with the terms of the Iowa administrative  
14 procedure Act, chapter 17A. Notwithstanding the terms of  
15 chapter 17A, petitions for judicial review may be filed in the  
16 district court of the county where the facility or proposed  
17 facility is located, and pending final disposition of the  
18 matter the status quo of the applicant or licensee shall be  
19 preserved except when the director, ~~with the advice and consent~~  
20 after advising a representative of the certified volunteer  
21 office of long-term care ombudsman, determines that the health,  
22 safety, or welfare of the residents of the facility is in  
23 immediate danger, in which case the director may order the  
24 immediate removal of such residents. ~~The fact that a certified~~  
25 ~~volunteer long-term care ombudsman has not been appointed for a~~  
26 ~~particular facility shall not bar the director from exercising~~  
27 ~~the emergency powers granted by this section with respect to~~  
28 ~~that facility.~~

29 Sec. 6. Section 135C.14, subsection 8, paragraph d, Code  
30 2014, is amended to read as follows:

31 *d.* The notification of ~~certified volunteer~~ the office  
32 of long-term care ombudsmen ombudsman by the department of  
33 all complaints relating to health care facilities and the  
34 involvement of the ~~certified volunteer~~ office of long-term care  
35 ~~ombudsmen~~ ombudsman in resolution of the complaints.

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1     Sec. 7. Section 135C.16, subsection 3, Code 2014, is amended  
2 to read as follows:

3     3. An ~~inspector~~ authorized representative of the department  
4 may enter any licensed health care facility without a  
5 warrant, and may examine all records pertaining to the care  
6 provided residents of the facility. An ~~inspector~~ authorized  
7 representative of the department may contact or interview  
8 any resident, employee, or any other person who might have  
9 knowledge about the operation of a health care facility.  
10 An ~~inspector~~ authorized representative of the department  
11 of human services shall have the same right with respect  
12 to any facility where one or more residents are cared for  
13 entirely or partially at public expense, and an ~~investigator~~  
14 authorized representative of the designated protection and  
15 advocacy agency shall have the same right with respect to  
16 any facility where one or more residents have developmental  
17 disabilities or mental illnesses, and the state fire marshal  
18 or a deputy appointed pursuant to section 135C.9, subsection  
19 1, paragraph "b", shall have the same right of entry into any  
20 facility and the right to inspect any records pertinent to  
21 fire safety practices and conditions within that facility, and  
22 an authorized representative of the office of long-term care  
23 ombudsman shall have the same right with respect to any nursing  
24 facility or residential care facility. If any such ~~inspector~~  
25 authorized representative has probable cause to believe that  
26 any institution, building, or agency not licensed as a health  
27 care facility is in fact a health care facility as defined  
28 by this chapter, and upon producing identification that the  
29 individual is an ~~inspector~~ authorized representative is denied  
30 entry thereto for the purpose of making an inspection, the  
31 ~~inspector~~ authorized representative may, with the assistance  
32 of the county attorney of the county in which the purported  
33 health care facility is located, apply to the district court  
34 for an order requiring the owner or occupant to permit entry  
35 and inspection of the premises to determine whether there have



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1 been any violations of this chapter.

2 Sec. 8. Section 135C.17, Code 2014, is amended to read as  
3 follows:

4 **135C.17 Duties of other departments.**

5 It shall be the duty of the department of human services,  
6 state fire marshal, office of long-term care ombudsman, and  
7 the officers and agents of other state and local governmental  
8 units, and the designated protection and advocacy agency to  
9 assist the department in carrying out the provisions of this  
10 chapter, insofar as the functions of these respective offices  
11 and departments are concerned with the health, welfare, and  
12 safety of any resident of any health care facility. It shall  
13 be the duty of the department to cooperate with the protection  
14 and advocacy agency and the office of long-term care ombudsman  
15 by responding to all reasonable requests for assistance and  
16 information as required by federal law and this chapter.

17 Sec. 9. Section 135C.19, subsection 2, paragraph b, Code  
18 2014, is amended to read as follows:

19 *b.* A copy of each citation required to be posted by this  
20 subsection shall be sent by the department to the department  
21 of human services ~~and~~, to the designated protection and  
22 advocacy agency if the facility has one or more residents  
23 with developmental disabilities or mental illness, and to the  
24 office of long-term care ombudsman if the facility is a nursing  
25 facility or residential care facility.

26 Sec. 10. Section 135C.33, subsection 2, paragraph b,  
27 subparagraph (2), Code 2014, is amended to read as follows:

28 (2) Subparagraph (1) applies to a crime that is a simple  
29 misdemeanor offense under section 123.47 ~~or chapter 321~~, and  
30 to a crime that is a first offense of operating a motor vehicle  
31 while intoxicated under section 321J.2, subsection 1.

32 Sec. 11. Section 135C.33, subsection 8, paragraph d,  
33 subparagraph (2), Code 2014, is amended to read as follows:

34 (2) Subparagraph (1) applies to a crime that is a simple  
35 misdemeanor offense under section 123.47 ~~or chapter 321~~, and

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1 to a crime that is a first offense of operating a motor vehicle  
2 while intoxicated under section 321J.2, subsection 1.

3 Sec. 12. Section 135C.38, subsection 1, paragraphs a and c,  
4 Code 2014, are amended to read as follows:

5 a. Upon receipt of a complaint made in accordance with  
6 section 135C.37, the department ~~or certified volunteer~~  
7 ~~long-term care ombudsman~~ shall make a preliminary review of  
8 the complaint. Unless the department ~~or certified volunteer~~  
9 ~~long-term care ombudsman~~ concludes that the complaint is  
10 intended to harass a facility or a licensee or is without  
11 reasonable basis, the department ~~or certified volunteer~~  
12 ~~long-term care ombudsman~~ shall make or cause to be made an  
13 on-site inspection of the health care facility which is the  
14 subject of the complaint within the time period determined  
15 pursuant to the following guidelines, which period shall  
16 commence on the date of receipt of the complaint:

17 (1) For nursing facilities, an on-site inspection shall be  
18 initiated as follows:

19 (a) Within two working days for a complaint determined by  
20 the department ~~or certified volunteer long-term care ombudsman~~  
21 to be an alleged immediate jeopardy situation.

22 (b) Within ten working days for a complaint determined by  
23 the department ~~or certified volunteer long-term care ombudsman~~  
24 to be an alleged high-level, nonimmediate jeopardy situation.

25 (c) Within forty-five calendar days for a complaint  
26 determined by the department ~~or certified volunteer long-term~~  
27 ~~care ombudsman~~ to be an alleged nonimmediate jeopardy  
28 situation, other than a high-level situation.

29 (2) For all other types of health care facilities, an  
30 on-site inspection shall be initiated as follows:

31 (a) Within two working days for a complaint determined by  
32 the department ~~or certified volunteer long-term care ombudsman~~  
33 to be an alleged immediate jeopardy situation.

34 (b) Within twenty working days for a complaint determined by  
35 the department ~~or certified volunteer long-term care ombudsman~~

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1 to be an alleged high-level, nonimmediate jeopardy situation.  
2 (c) Within forty-five calendar days for a complaint  
3 determined by the department ~~or certified volunteer long-term~~  
4 ~~care ombudsman~~ to be an alleged nonimmediate jeopardy  
5 situation, other than a high-level situation.

6 c. The department may refer to ~~the certified volunteer a~~  
7 representative of the office of long-term care ombudsman ~~of a~~  
8 ~~facility~~ any complaint received by the department regarding  
9 ~~that a~~ facility, for initial evaluation and appropriate action  
10 by the ~~certified volunteer office of~~ long-term care ombudsman.

11 Sec. 13. Section 135C.38, subsection 2, paragraph a, Code  
12 2014, is amended to read as follows:

13 a. The complainant shall be promptly informed of the result  
14 of any action taken by the department or ~~certified volunteer~~  
15 the office of long-term care ombudsman in the matter. The  
16 complainant shall also be notified of the name, address, and  
17 telephone number of the designated protection and advocacy  
18 agency if the alleged violation involves a facility with one  
19 or more residents with developmental disabilities or mental  
20 illness.

21 Sec. 14. Section 135C.38, subsection 3, Code 2014, is  
22 amended to read as follows:

23 3. An inspection made pursuant to a complaint filed under  
24 section 135C.37 need not be limited to the matter or matters  
25 included in the complaint. However, the inspection shall  
26 not be a general inspection unless the complaint inspection  
27 coincides with a scheduled general inspection or unless in the  
28 course of the complaint investigation a violation is evident to  
29 the inspector. Upon arrival at the facility to be inspected,  
30 the inspector shall show identification to the person in  
31 charge of the facility and state that an inspection is to be  
32 made, before beginning the inspection. Upon request of either  
33 the complainant or the department or ~~certified volunteer a~~  
34 representative of the office of long-term care ombudsman, the  
35 complainant or the complainant's representative or both may

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1 be allowed the privilege of accompanying the inspector during  
2 any on-site inspection made pursuant to this section. The  
3 inspector may cancel the privilege at any time if the inspector  
4 determines that the privacy of any resident of the facility to  
5 be inspected would otherwise be violated. The protection and  
6 dignity of the resident shall be given first priority by the  
7 inspector and others.

8 Sec. 15. Section 135C.38, subsection 4, Code 2014, is  
9 amended by striking the subsection.

10 Sec. 16. Section 231B.8, Code 2014, is amended by striking  
11 the section and inserting in lieu thereof the following:

12 **231B.8 Exit interview — issuance of findings.**

13 1. The department shall provide an elder group home an  
14 exit interview at the conclusion of a monitoring evaluation  
15 or complaint investigation, and the department shall inform  
16 the home's representative of all issues and areas of concern  
17 related to the insufficient practices. The department may  
18 conduct the exit interview in person or by telephone, and  
19 the department shall provide a second exit interview if any  
20 additional issues or areas of concern are identified. The home  
21 shall have two working days from the date of the exit interview  
22 to submit additional or rebuttal information to the department.

23 2. The department shall issue the final findings of a  
24 monitoring evaluation or complaint investigation within  
25 ten working days after completion of the on-site monitoring  
26 evaluation or complaint investigation. The final findings  
27 shall be served upon the home personally, by electronic mail,  
28 or by certified mail.

29 Sec. 17. Section 231B.9, Code 2014, is amended to read as  
30 follows:

31 **231B.9 Public disclosure of findings.**

32 Upon completion of a monitoring evaluation or complaint  
33 investigation of an elder group home by the department pursuant  
34 to this chapter, ~~including the conclusion of informal review,~~  
35 the department's final findings with respect to compliance by

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1 the elder group home with requirements for certification shall  
2 be made available to the public in a readily available form  
3 and place. Other information relating to an elder group home  
4 that is obtained by the department which does not constitute  
5 the department's final findings from a monitoring evaluation or  
6 complaint investigation of the elder group home shall not be  
7 made available to the public except in proceedings involving  
8 the denial, suspension, or revocation of a certificate under  
9 this chapter.

10 Sec. 18. **NEW SECTION. 231B.9A Informal conference — formal**  
11 **contest — judicial review.**

12 1. Within twenty business days after issuance of the final  
13 findings, the elder group home shall notify the director if the  
14 home desires to contest the findings and request an informal  
15 conference.

16 2. The department shall provide an independent reviewer to  
17 hold an informal conference with an elder group home within  
18 ten working days after receiving a request from the home  
19 pursuant to subsection 1. At the conclusion of the informal  
20 conference, the independent reviewer may affirm, modify, or  
21 dismiss a contested regulatory insufficiency. The independent  
22 reviewer shall state in writing the specific reasons for  
23 the affirmation, modification, or dismissal and immediately  
24 transmit copies of the statement to the department and to the  
25 home.

26 3. An independent reviewer shall be licensed as an attorney  
27 in the state of Iowa and shall not be employed or have been  
28 employed by the department in the past eight years or have  
29 appeared in front of the department on behalf of an elder group  
30 home in the past eight years. Preference shall be given to an  
31 attorney with background knowledge, experience, or training  
32 in long-term care. The department may issue a request for  
33 proposals to enter into a contract for the purpose of providing  
34 one or more independent reviewers for informal conferences.

35 4. An elder group home that desires to further contest an



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1 affirmed or modified regulatory insufficiency may do so in the  
2 manner provided by chapter 17A for contested cases. The home  
3 shall give notice of intent to formally contest a regulatory  
4 insufficiency, in writing, to the department within five days  
5 after receipt of the written decision of the independent  
6 reviewer. The formal hearing shall be conducted in accordance  
7 with chapter 17A and rules adopted by the department.

8 5. An elder group home that has exhausted all adequate  
9 administrative remedies and is aggrieved by the final action of  
10 the department may petition for judicial review in the manner  
11 provided by chapter 17A.

12 Sec. 19. Section 231B.10, subsection 1, Code 2014, is  
13 amended by adding the following new paragraphs:

14 NEW PARAGRAPH. *0i.* In the case of an application by an  
15 existing certificate holder for a new or newly acquired elder  
16 group home, continuing or repeated failure of the certificate  
17 holder to operate any previously certified elder group home  
18 or homes in compliance with the provisions of this chapter,  
19 the rules adopted pursuant to this chapter, or equivalent  
20 provisions that the elder group home is subject to in this  
21 state or any other state.

22 NEW PARAGRAPH. *00i.* Impeding the department's ability to  
23 ensure the home's compliance with this chapter or with the  
24 rules adopted pursuant to this chapter.

25 Sec. 20. Section 231C.10, subsection 1, Code 2014, is  
26 amended by adding the following new paragraphs:

27 NEW PARAGRAPH. *0i.* In the case of an application by  
28 an existing certificate holder for a new or newly acquired  
29 assisted living program, continuing or repeated failure of the  
30 certificate holder to operate any previously certified assisted  
31 living program or programs in compliance with the provisions  
32 of this chapter, the rules adopted pursuant to this chapter,  
33 or equivalent provisions that the assisted living program is  
34 subject to in this state or any other state.

35 NEW PARAGRAPH. *00i.* Impeding the department's ability to

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1 ensure the program's compliance with this chapter or with the  
2 rules adopted pursuant to this chapter.

3 Sec. 21. Section 231D.5, subsection 1, Code 2014, is amended  
4 by adding the following new paragraphs:

5 NEW PARAGRAPH. *Ok.* In the case of an application by  
6 an existing certificate holder for a new or newly acquired  
7 adult day services program, continuing or repeated failure of  
8 the certificate holder to operate any previously certified  
9 adult day services program or programs in compliance with the  
10 provisions of this chapter, the rules adopted pursuant to this  
11 chapter, or equivalent provisions that the adult day services  
12 program is subject to in this state or any other state.

13 NEW PARAGRAPH. *Ok.* Impeding the department's ability to  
14 ensure the program's compliance with this chapter or with the  
15 rules adopted pursuant to this chapter.

16 Sec. 22. Section 231D.9A, Code 2014, is amended by striking  
17 the section and inserting in lieu thereof the following:

18 **231D.9A Exit interview — issuance of findings.**

19 1. The department shall provide an adult day services  
20 program an exit interview at the conclusion of a monitoring  
21 evaluation or a complaint investigation, and the department  
22 shall inform the program's representative of all issues and  
23 areas of concern related to the insufficient practices. The  
24 department may conduct the exit interview in person or by  
25 telephone, and the department shall provide a second exit  
26 interview if any additional issues or areas of concern are  
27 identified. The program shall have two working days from the  
28 date of the exit interview to submit additional or rebuttal  
29 information to the department.

30 2. The department shall issue the final findings of a  
31 monitoring evaluation or complaint investigation within  
32 ten working days after completion of the on-site monitoring  
33 evaluation or complaint investigation. The final findings  
34 shall be served upon the program personally, by electronic  
35 mail, or by certified mail.

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1     Sec. 23. Section 231D.10, Code 2014, is amended to read as  
2 follows:

3     **231D.10 Public disclosure of findings.**

4     Upon completion of a monitoring evaluation or complaint  
5 investigation of an adult day services program by the  
6 department pursuant to this chapter, ~~including the conclusion~~  
7 ~~of informal review~~, the department's final findings with  
8 respect to compliance by the adult day services program with  
9 requirements for certification shall be made available to  
10 the public in a readily available form and place. Other  
11 information relating to an adult day services program that  
12 is obtained by the department which does not constitute the  
13 department's final findings from a monitoring evaluation or  
14 complaint investigation of the adult day services program shall  
15 not be made available to the public except in proceedings  
16 involving the denial, suspension, or revocation of a  
17 certificate under this chapter.

18     Sec. 24. NEW SECTION. **231D.10A Informal conference —**  
19 **formal contest — judicial review.**

20     1. Within twenty business days after issuance of the final  
21 findings, the adult day services program shall notify the  
22 director if the program desires to contest the findings and  
23 request an informal conference.

24     2. The department shall provide an independent reviewer  
25 to hold an informal conference with an adult day services  
26 program within ten working days after receiving a request from  
27 the program pursuant to subsection 1. At the conclusion of  
28 the informal conference, the independent reviewer may affirm,  
29 modify, or dismiss a contested regulatory insufficiency. The  
30 independent reviewer shall state in writing the specific  
31 reasons for the affirmation, modification, or dismissal and  
32 immediately transmit copies of the statement to the department  
33 and to the program.

34     3. An independent reviewer shall be licensed as an attorney  
35 in the state of Iowa and shall not be employed or have been

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1 employed by the department in the past eight years or have  
2 appeared in front of the department on behalf of an adult day  
3 services program in the past eight years. Preference shall be  
4 given to an attorney with background knowledge, experience,  
5 or training in long-term care. The department may issue a  
6 request for proposals to enter into a contract for the purpose  
7 of providing one or more independent reviewers for informal  
8 conferences.

9 4. An adult day services program that desires to further  
10 contest an affirmed or modified regulatory insufficiency may do  
11 so in the manner provided by chapter 17A for contested cases.  
12 The program shall give notice of intent to formally contest  
13 a regulatory insufficiency, in writing, to the department  
14 within five days after receipt of the written decision of the  
15 independent reviewer. The formal hearing shall be conducted  
16 in accordance with chapter 17A and rules adopted by the  
17 department.

18 5. An adult day services program that has exhausted all  
19 adequate administrative remedies and is aggrieved by the final  
20 action of the department may petition for judicial review in  
21 the manner provided by chapter 17A.

22 Sec. 25. APPLICABILITY.

23 1. The sections of this Act amending sections 231B.8 and  
24 231B.9 and adding section 231B.9A apply to an elder group home  
25 desiring to request an informal conference under chapter 231B  
26 on or after January 1, 2015.

27 2. The sections of this Act amending sections 231D.9A and  
28 231D.10 and adding section 231D.10A apply to an adult day  
29 services program desiring to request an informal conference  
30 under chapter 231D on or after January 1, 2015.

31 EXPLANATION

32 The inclusion of this explanation does not constitute agreement with  
33 the explanation's substance by the members of the general assembly.

34 This bill makes changes to employment background checks,  
35 disciplinary procedures, and procedures for contesting

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1 regulatory insufficiencies for certain entities regulated by  
2 the department of inspections and appeals (DIA).

3 The bill changes the crimes for which a hospital can  
4 temporarily employ a person who committed the crime pending  
5 completion of a department of human services evaluation  
6 to determine whether the crime warrants prohibition of  
7 employment at the hospital or health care facility. The bill  
8 disallows such continued employment for simple misdemeanors  
9 under the motor vehicles and law of the road chapter. The  
10 bill eliminates duplicative language regarding crimes for  
11 which a health care facility can temporarily employ a person  
12 who committed a crime and crimes for which a student can  
13 temporarily continue with a clinical education component.

14 The bill provides that the DIA has the authority to deny,  
15 suspend, or revoke the license of a health care facility, elder  
16 group home, assisted living program, or adult day services  
17 program for the failure to comply with any provisions that the  
18 entity is subject to that are equivalent to those provisions in  
19 Code chapter 135C, 231B, 231C, or 231D, respectively, and for  
20 impeding the DIA's ability to ensure the facility complies with  
21 applicable provisions.

22 The bill replaces references to a certified volunteer  
23 long-term care ombudsman with a representative of the office  
24 of long-term care ombudsman in certain circumstances including  
25 inspecting a facility upon a complaint of alleged violations.

26 The bill also replaces certain references to inspectors and  
27 investigators for inspections of health care facilities with  
28 references to authorized representatives of DIA, the department  
29 of human services, or the office of long-term care ombudsman,  
30 as applicable. The bill also provides that the office of  
31 long-term care ombudsman is required to assist DIA in carrying  
32 out the provisions of the health care facilities Code chapter.

33 The bill replaces the informal review process for contesting  
34 regulatory insufficiencies identified through monitoring  
35 evaluations or complaint investigations of elder group homes

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1 and adult day services programs with an exit interview,  
2 informal conference, formal contest, and judicial review in a  
3 process similar to that available for health care facilities  
4 and assisted living programs. The informal conference is  
5 conducted by an independent reviewer who may affirm, modify,  
6 or dismiss the regulatory insufficiency. The reviewer must  
7 provide specific written reasons for the decision and transmit  
8 copies of that statement to DIA and the elder group home or  
9 adult day services program. An elder group home or adult day  
10 services program that wants to further contest the independent  
11 reviewer's affirmed or modified regulatory insufficiency may do  
12 so pursuant to the provisions in Code chapter 17A for contested  
13 cases. After exhausting the administrative remedies, an elder  
14 group home or adult day services program may petition for  
15 judicial review pursuant to Code chapter 17A. The changes to  
16 the informal review process apply to elder group homes and  
17 adult day services programs wishing to request an informal  
18 conference on or after January 1, 2015.





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House Study Bill 534 - Introduced

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
PUBLIC DEFENSE BILL)

A BILL FOR

1 An Act relating to the national guard educational assistance  
2 program by removing residency requirements and providing for  
3 the nonreversion of certain funds, and including effective  
4 date provisions.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 261.86, subsection 1, paragraph a, Code  
2 2014, is amended to read as follows:

3 a. ~~Is a resident of the state and~~ a member of an Iowa  
4 army or air national guard unit while receiving educational  
5 assistance pursuant to this section.

6 Sec. 2. Section 261.86, subsection 6, Code 2014, is amended  
7 to read as follows:

8 6. Notwithstanding section 8.33, ~~until one year after the~~  
9 ~~date the president of the United States or the Congress of~~  
10 ~~the United States declares a cessation of hostilities ending~~  
11 ~~operation Iraqi freedom, operation new dawn, and operation~~  
12 ~~enduring freedom, of those~~ funds appropriated for purposes of  
13 this section ~~which~~ that remain unencumbered or unobligated  
14 at the close of the fiscal year for which the funds were  
15 appropriated, an amount not to exceed five percent of the  
16 amount appropriated shall not revert but shall be available for  
17 expenditure for the following fiscal year for purposes of this  
18 section.

19 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of  
20 immediate importance, takes effect upon enactment.

21 EXPLANATION

22 The inclusion of this explanation does not constitute agreement with  
23 the explanation's substance by the members of the general assembly.

24 This bill relates to the national guard educational  
25 assistance program by removing residency restrictions and  
26 providing for the nonreversion of certain funds.

27 Current law requires, in part, that for an individual to be  
28 eligible for the national guard educational assistance program  
29 that the individual be a member of an Iowa army or air national  
30 guard unit and be a resident of the state while receiving  
31 assistance through the program. The bill removes the Iowa  
32 residency requirement.

33 Current law also provides that up until one year after  
34 the president of the United States declares the cessation of  
35 hostilities in certain conflicts, funds appropriated for the

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1 program that are unencumbered or unobligated at the close  
2 of a fiscal year shall be available for expenditure for the  
3 following fiscal year for the purposes of the program. The  
4 bill limits this nonreversion provision to a maximum of 5  
5 percent of the funds appropriated and removes the presidential  
6 declaration limitation on the nonreversion of funds.  
7 The bill takes effect upon enactment.



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**Senate File 2028 - Introduced**

SENATE FILE 2028  
BY BOLKCOM

**A BILL FOR**

1 An Act relating to the establishment of a senior living  
2 coordinating unit within the department on aging.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 231.58, Code 2014, is amended by striking  
2 the section and inserting in lieu thereof the following:

3 **231.58 Senior living coordinating unit.**

4 1. A senior living coordinating unit is created within the  
5 department. The membership of the coordinating unit consists  
6 of:

7 a. The director of human services.

8 b. The director of the department on aging.

9 c. The director of public health.

10 d. The director of the department of inspections and  
11 appeals.

12 e. Two consumer members appointed by the governor.

13 f. Four ex officio, nonvoting legislative members consisting  
14 of the following:

15 (1) Two state senators, one appointed by the majority leader  
16 of the senate and one appointed by the minority leader of the  
17 senate.

18 (2) Two state representatives, one appointed by the speaker  
19 of the house of representatives and one appointed by the  
20 minority leader of the house of representatives.

21 2. Nonlegislative members shall receive actual expenses  
22 incurred while serving in their official capacity and may also  
23 be eligible to receive compensation as provided in section  
24 7E.6. Legislative members shall receive compensation pursuant  
25 to section 2.12.

26 3. The senior living coordinating unit shall do all of the  
27 following:

28 a. Develop, for legislative review, the mechanisms and  
29 procedures necessary to implement a case-managed system of  
30 long-term care based on a uniform comprehensive assessment  
31 tool.

32 b. Develop common intake and release procedures for the  
33 purpose of determining eligibility at one point of intake  
34 and determining eligibility for programs administered by the  
35 departments of human services, public health, and aging, such

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1 as the medical assistance program, federal food stamp program,  
2 homemaker-home health aide programs, and the case management  
3 program for frail elders administered by the department on  
4 aging.

5 *c.* Develop common definitions for long-term care services.

6 *d.* Develop procedures for coordination at the local and  
7 state level among the providers of long-term care.

8 *e.* Prepare a long-range plan for the provision of long-term  
9 care services within the state.

10 *f.* Propose rules and procedures for the development of a  
11 comprehensive long-term care system.

12 *g.* Submit a report of its activities to the governor and  
13 general assembly on January 15 of each year.

14 *h.* Consult with the state universities and other  
15 institutions with expertise in the area of issues affecting  
16 older individuals and the long-term care continua.

17 EXPLANATION

18 This bill reestablishes the senior living coordinating unit  
19 within the department on aging. The senior living coordinating  
20 unit was eliminated in 2009 and replaced with a directive  
21 to the director of the department on aging to convene the  
22 directors of human services, public health, and inspections and  
23 appeals to meet as necessary to assist in the coordination of  
24 policy, service delivery, and long-range planning relating to  
25 the long-term living system and older Iowans in the state. The  
26 bill specifies the membership and duties of the unit.



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**Senate File 2029 - Introduced**

SENATE FILE 2029  
BY BOLKCOM

**A BILL FOR**

1 An Act directing the state board of regents and the  
2 department of education to convene a commission to study  
3 financing strategies for the state's public postsecondary  
4 institutions.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. STUDY OF FINANCING STRATEGIES FOR PUBLIC  
2 POSTSECONDARY INSTITUTIONS.

3 1. The state board of regents and the department  
4 of education shall convene a commission consisting of  
5 representatives of the community colleges and the institutions  
6 of higher education governed by the board to study financing  
7 strategies, as described in this section, for the state's  
8 public postsecondary institutions.

9 2. a. The commission shall study the feasibility of  
10 establishing the alternative payment pilot program described  
11 in paragraph "b" to replace the current system of charging  
12 students tuition and fees for enrollment at public institutions  
13 of higher learning. The commission shall, at a minimum, review  
14 the following:

15 (1) Potential short-term and long-term funding sources for  
16 the pilot program.

17 (2) The manner and extent to which a student who withdraws  
18 from the participating institution will pay for the education  
19 credits earned.

20 (3) The maximum number of years a student may be enrolled in  
21 the participating institution under the pilot program.

22 (4) The rate of payment by students necessary to sustain the  
23 pilot program.

24 (5) Deferment of payment or a reduced rate of payment for  
25 students who after graduation are unemployed or underemployed.

26 (6) How the state or the participating institution may fund  
27 the pilot program's implementation.

28 (7) How the state or the participating institution may  
29 collect accurate income data on students who move out of state.

30 (8) How the state or the participating institution may  
31 collect and enforce payments from students.

32 (9) How the pilot program may account for and apply to  
33 part-time students, transfer students, mid-career students, and  
34 other nontraditional students.

35 (10) How the pilot program may function with federal and

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1 state financial aid programs.

2 (11) The provisions or services that may be provided to  
3 low-income students under the pilot program.

4 (12) Whether participation in the pilot program should be  
5 limited to specific academic programs, such as programs that  
6 lead to employment in workforce shortage areas.

7 (13) The "pay forward, pay back" pilot program considered by  
8 the Oregon higher education coordinating commission.

9 b. If the commission determines that a pilot program is  
10 warranted, the commission shall identify one or more public  
11 institutions of higher education to participate in the pilot  
12 program and shall submit the proposed pilot program in the  
13 report required under subsection 4.

14 (1) The proposed pilot program submitted by the commission  
15 shall do the following:

16 (a) Allow students who are residents of this state, as  
17 defined by the participating institution, and who qualify for  
18 admission to the participating institution to enroll in the  
19 participating institution without paying tuition or fees.

20 (b) Provide that, in lieu of paying tuition or fees,  
21 students must sign binding contracts to, upon graduation from  
22 the participating institution, pay to the state of Iowa or the  
23 participating institution a certain percentage of the student's  
24 annual adjusted gross income for a specified number of years.

25 (c) Specify the methodology by which the number of years and  
26 the percentage of annual adjusted gross income for contracts  
27 shall be determined and base the specifications on research to  
28 date.

29 (d) Establish an immediate funding source for the first 15  
30 to 20 years of the pilot program and include the establishment  
31 of a revolving fund to deposit payments made under the pilot  
32 program.

33 (2) The proposed pilot program submitted by the commission,  
34 and the contracts entered into under the program, may vary by  
35 institution depending on factors which include but are not



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1 limited to the following:

2 (a) The total cost of education at the participating  
3 institution.

4 (b) The portion of the cost of education that is paid by  
5 appropriations of funds from the state of Iowa.

6 3. The commission shall also conduct a study of whether  
7 the state's public postsecondary institutions can successfully  
8 implement a tuition freeze that will guarantee incoming  
9 undergraduate students the same tuition rate for four years.  
10 The study must include an analysis of:

11 a. The western tuition promise program offered by western  
12 Oregon university.

13 b. The finish in four program proposed in Florida, and  
14 similar programs.

15 c. Options for mitigating the financial strain that the  
16 adoption of a tuition freeze would place on an institution's  
17 finances.

18 4. The commission shall submit its findings and  
19 recommendations in a report to the state board of education,  
20 the state board of regents, the governor, and the general  
21 assembly by January 15, 2015.

22 EXPLANATION

23 The inclusion of this explanation does not constitute agreement with  
24 the explanation's substance by the members of the general assembly.

25 This bill directs the state board of regents and the  
26 department of education to convene a commission consisting of  
27 representatives of the community colleges and the institutions  
28 of higher education governed by the board to conduct two  
29 studies regarding financing strategies related to payment of  
30 tuition and fees at public postsecondary institutions.

31 The commission is directed to study the feasibility of  
32 creating an alternative payment pilot program to replace the  
33 current system of charging students tuition and fees for  
34 enrollment at public institutions of higher learning.

35 With regard to the pilot program study, the commission is

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1 directed to, at a minimum, review issues relating to funding  
2 sources for the pilot program, student payments under the  
3 pilot program, the scope of the pilot program in regards  
4 to participation of students and academic programs, data  
5 collection under the pilot program, and the manner in which the  
6 pilot program may function with federal and state financial  
7 aid programs. The commission is also directed to review the  
8 "pay forward, pay back" pilot program considered by the Oregon  
9 education coordinating commission.

10 The proposed pilot program submitted by the commission  
11 shall allow students who are residents of this state, and  
12 who qualify for admission, to enroll in the participating  
13 institution without paying tuition or fees; provided that,  
14 in lieu of paying tuition or fees, students sign binding  
15 contracts to pay to the state or the participating institution  
16 a certain percentage of the student's annual adjusted gross  
17 income upon graduation from the participating institution  
18 for a specified number of years. The pilot program is to  
19 specify the methodology by which the number of years and the  
20 percentage of annual adjusted gross income for contracts shall  
21 be determined and base the specifications on research to date  
22 and to establish an immediate funding source for the first  
23 15 to 20 years of the pilot program, which is to include the  
24 establishment of a revolving fund to deposit payments made  
25 under the pilot program.

26 The proposed pilot program may vary by institution depending  
27 on the total cost of education at the participating institution  
28 and the portion of the cost that is paid by the state.

29 The commission is also directed to study the question of  
30 whether the state's public postsecondary institutions can  
31 successfully implement a tuition freeze that will guarantee  
32 that incoming undergraduate students have the same tuition  
33 rate for four years. The study must include an analysis of a  
34 tuition promise program offered by western Oregon university,  
35 the finish in four program proposed in Florida and similar



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1 programs, and ways of mitigating the financial strain that the  
2 adoption of a tuition freeze would place on an institution's  
3 finances.

4 The commission must submit its findings and recommendations  
5 in a report to the state board of education, the state board of  
6 regents, the governor, and the general assembly by January 15,  
7 2015.



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**Senate File 2030 - Introduced**

SENATE FILE 2030  
BY SODDERS

**A BILL FOR**

1 An Act relating to the possession of alcohol by certain minors  
2 and juvenile court jurisdiction, and making penalties  
3 applicable.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5705SS (1) 85  
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1 Section 1. Section 123.47, subsection 3, paragraph c, Code  
2 2014, is amended to read as follows:  
3 c. If the person who commits a violation of this section  
4 is under the age of eighteen, the matter shall be disposed  
5 of in the manner provided in chapter 232. However, if the  
6 juvenile court waives its jurisdiction over the person pursuant  
7 to section 232.45 so that the person may be prosecuted as an  
8 adult, or if the person appears in adult court for a violation  
9 of this section that occurred prior to having reached the age  
10 of eighteen and no transfer of jurisdiction to the juvenile  
11 court is ordered pursuant to section 803.5, then the penalty  
12 for a violation of this section shall be as set forth in  
13 paragraphs "a" and "b".

14 EXPLANATION

15 The inclusion of this explanation does not constitute agreement with  
16 the explanation's substance by the members of the general assembly.

17 This bill relates to the possession of alcohol by certain  
18 minors and juvenile court jurisdiction and makes penalties  
19 applicable.

20 Current law provides that a person who is 18, 19, or 20  
21 years of age, other than a licensee or permittee under the  
22 alcoholic beverages laws, who purchases, attempts to purchase,  
23 or possesses alcohol commits a simple misdemeanor punishable  
24 by a scheduled fine of \$200 for a first offense, a simple  
25 misdemeanor punishable by a \$500 fine and a substance abuse  
26 evaluation or the suspension of the person's motor vehicle  
27 operating privileges for a period not to exceed one year for a  
28 second offense, or a simple misdemeanor punishable by a \$500  
29 fine and the suspension of the person's motor vehicle operating  
30 privileges for a period not to exceed one year for a third or  
31 subsequent offense. A person who is under the age of 18 who  
32 commits a violation of this law is referred to juvenile court.

33 The bill provides that if the juvenile court waives its  
34 jurisdiction over a person who is under the age of 18 pursuant  
35 to Code section 232.45 so that the person may be prosecuted

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1 as an adult, or if the person appears in adult court for a  
2 violation of this law that occurred before the person turned  
3 18 and no transfer of jurisdiction to the juvenile court is  
4 ordered pursuant to Code section 803.5, then the penalty for  
5 such a violation is the same as for a person who is 18, 19, or  
6 20 years of age who violates this law.



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**Senate File 2031 - Introduced**

SENATE FILE 2031  
BY SODDERS

**A BILL FOR**

1 An Act relating to corrections system health care costs.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5593XS (5) 85  
pf/nh





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1 Section 1. LEGISLATIVE FINDINGS AND INTENT. The general  
2 assembly finds that other states have saved millions of dollars  
3 by implementing solutions to eliminate and recover health  
4 care overpayments in the corrections system. Similarly,  
5 states have significantly reduced such health care costs by  
6 billing the Medicaid program for eligible inpatient health care  
7 costs. Therefore, it is the intent of the general assembly  
8 to implement automated payment detection, prevention, and  
9 recovery solutions to reduce health care overpayments and to  
10 ensure that Medicaid is billed for eligible inpatient hospital  
11 and professional services for individuals in the corrections  
12 system.

13 Sec. 2. NEW SECTION. 904.321 Health care cost containment.

14 1. The department, in consultation with the department  
15 of human services, shall do all of the following in regard  
16 to state correctional health care systems and services and  
17 state-contracted managed correctional health care services:

18 a. Implement state-of-the-art clinical code editing  
19 technology solutions to further automate health care claims  
20 resolution and enhance health care cost containment through  
21 improved claim accuracy and appropriate code correction. The  
22 technology shall identify and prevent errors or potential  
23 overbilling based on widely accepted and referenced protocols  
24 such as the American medical association and the centers for  
25 Medicare and Medicaid services protocols. The edits shall  
26 be applied automatically before claims are adjudicated to  
27 speed processing and reduce the number of pending or rejected  
28 claims and to ensure a smoother, more consistent, and more  
29 open adjudication process and fewer delays in provider  
30 reimbursement.

31 b. Implement health care claims audit and recovery services  
32 to identify improper payments due to nonfraudulent issues,  
33 audit claims, obtain health care provider sign-off on the audit  
34 results, and recover validated overpayments. Postpayment  
35 reviews shall ensure that the diagnoses and procedure codes



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1 are accurate and valid based on the supporting physician  
2 documentation within the medical records. Core categories of  
3 reviews may include but are not limited to coding compliance  
4 diagnosis related group reviews, transfers, readmissions, cost  
5 outlier reviews, outpatient seventy-two-hour rule reviews,  
6 payment errors, and billing errors.

7 c. Implement automated payment detection, prevention,  
8 and recovery solutions to ensure that the Medicaid program  
9 is billed for eligible inpatient hospital and professional  
10 services.

11       2.   a.   The department may contract for the services  
12 specified in this section.

b. To the maximum extent possible, any savings generated from the measures implemented pursuant to this section shall be used for the continued administration of the technology services implemented under this section.

17 c. Reimbursement of any contractor may be contracted  
18 on the basis of a percentage of achieved savings model, a  
19 per-beneficiary-per-month model, a per-transaction model, a  
20 case-rate model, or any blended model of such methodologies.  
21 Reimbursement of any contractor may also include models based  
22 on performance guarantees of the contractor to ensure that the  
23 savings generated under this section exceed program costs.

EXPLANATION

25 The inclusion of this explanation does not constitute agreement with  
26 the explanation's substance by the members of the general assembly.

27 This bill relates to health care cost containment in the  
28 corrections system.

29 The bill provides that the general assembly finds that  
30 other states have saved millions of dollars by implementing  
31 solutions to eliminate and recover health care overpayments  
32 in the corrections system and that states have significantly  
33 reduced such health care costs by billing the Medicaid program  
34 for eligible inpatient health care costs. The intent of the  
35 general assembly is to implement automated payment detection,

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1 prevention, and recovery solutions to reduce health care  
2 overpayments and to ensure that Medicaid is billed for eligible  
3 inpatient hospital and professional services for individuals in  
4 the corrections system.  
5 The bill directs the department of corrections, in  
6 consultation with the department of human services, to  
7 implement state-of-the-art clinical code editing technology  
8 solutions to further automate health care claims resolution  
9 and enhance health care cost containment through improved  
10 claim accuracy and appropriate code correction; implement  
11 health care claims audit and recovery services to identify  
12 improper payments due to nonfraudulent issues, audit claims,  
13 obtain health care provider sign-off on the audit results, and  
14 recover validated overpayments; and implement automated payment  
15 detection, prevention, and recovery solutions to ensure that  
16 the Medicaid program is billed for eligible inpatient hospital  
17 and professional services. The department is authorized  
18 to contract for the services specified, and to the maximum  
19 extent possible, any savings generated from the measured  
20 implemented under the bill shall be used for the continued  
21 administration of the services used in administering the bill.  
22 The department is also authorized to reimburse any contractor  
23 on the basis of a percentage of achieved savings model, a  
24 per-beneficiary-per-month model, a per-transaction model, a  
25 case-rate model, or any blended model of such methodologies.  
26 Reimbursement of any contractor may also include models based  
27 on performance guarantees of the contractor to ensure that  
28 the savings generated under the bill exceed program costs.  
29 The provisions of the bill apply to state correctional health  
30 care systems and services and to state-contracted managed  
31 correctional health care services.



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**Senate File 2032 - Introduced**

SENATE FILE 2032  
BY RAGAN

**A BILL FOR**

1 An Act extending placement in service requirements in relation  
2 to qualification for the renewable energy facility tax  
3 credit.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5620XS (2) 85  
rn/sc



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1 Section 1. Section 476C.1, subsection 6, paragraph d, Code  
2 2014, is amended to read as follows:

3 d. Was initially placed into service on or after July 1,  
4 2005, and before January 1, ~~2015~~ 2016.

5 Sec. 2. Section 476C.5, Code 2014, is amended to read as  
6 follows:

7 **476C.5 Certificate issuance period.**

8 A producer or purchaser of renewable energy may receive  
9 renewable energy tax credit certificates for a ten-year period  
10 for each eligible renewable energy facility under this chapter.  
11 The ten-year period for issuance of the tax credit certificates  
12 begins with the date the purchaser of renewable energy first  
13 purchases electricity, hydrogen fuel, methane gas or other  
14 biogas used to generate electricity, or heat for commercial  
15 purposes from the eligible renewable energy facility for  
16 which a tax credit is issued under this chapter, or the date  
17 the producer of the renewable energy first uses the energy  
18 produced by the eligible renewable energy facility for on-site  
19 consumption. Renewable energy tax credit certificates shall  
20 not be issued for renewable energy purchased or produced for  
21 on-site consumption after December 31, ~~2024~~ 2025.

22 EXPLANATION

23 The inclusion of this explanation does not constitute agreement with  
24 the explanation's substance by the members of the general assembly.

25 This bill extends placement in service requirements for  
26 qualification for the renewable energy tax credit established  
27 in Code chapter 476C.

28 Currently, to be considered a renewable energy facility  
29 eligible for qualification for the tax credit, a facility  
30 must have been initially placed into service on or after July  
31 1, 2005, and before January 1, 2015. The bill extends the  
32 latter date by one year, to January 1, 2016, resulting in an  
33 additional year for a facility to be placed into service and  
34 qualify for the credit. The bill makes a corresponding change  
35 to extend the 10-year duration during which a producer or

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1 purchaser of renewable energy may receive renewable energy tax  
2 credit certificates from an end date of December 31, 2024, to  
3 December 31, 2025.



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**Senate File 2033 - Introduced**

SENATE FILE 2033  
BY RAGAN

**A BILL FOR**

1 An Act providing for the criminal offense of service dog abuse,  
2 and providing penalties.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5381XS (2) 85  
da/nh



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1 Section 1. Section 717B.1, Code 2014, is amended by adding  
2 the following new subsection:  
3 NEW SUBSECTION. 8A. "*Service dog*" means the same as defined  
4 in section 216C.11.  
5 Sec. 2. NEW SECTION. 717B.10 **Service dog abuse.**  
6 1. A person commits the offense of service dog abuse if all  
7 of the following apply:  
8 a. The person owns or possesses a dog which attacks a  
9 service dog.  
10 b. The service dog has been individually trained to perform  
11 work or tasks related to the dog handler's disability and  
12 the service dog routinely performs such work or tasks at the  
13 direction or on the behalf of the service dog's handler, by  
14 assisting the handler who is disabled by any of the following  
15 diagnosed conditions:  
16 (1) Mobility impairment.  
17 (2) Blindness or a visual impairment.  
18 (3) Deafness or an audio impairment.  
19 (4) A psychiatric condition, including a cognitive,  
20 psychiatric, or neurological condition.  
21 (5) A health condition, including but not limited to  
22 seizures.  
23 2. Subsection 1 does not apply in any of the following  
24 circumstances:  
25 a. The attacking dog is owned or possessed by the owner or  
26 handler of the service dog at the time of the attack.  
27 b. The service dog was not under the control or direction of  
28 its owner or handler at the time of the attack.  
29 c. The service dog exhibited aggressive behavior immediately  
30 prior to the attack.  
31 3. a. Except as provided in paragraph "b", a person who  
32 commits service dog abuse is guilty of a simple misdemeanor.  
33 b. A person who commits service dog abuse is guilty of a  
34 serious misdemeanor when any of the following applies:  
35 (1) The attack was directly caused by the person's willful,

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1 malicious, or reckless act.

2 (2) The service dog was attacked in a manner that caused  
3 death, permanent disfigurement, or permanent disability.

4 (3) The person has been convicted three or more times in  
5 the previous ten years of committing an offense under section  
6 717B.2, 717B.3, 717B.3A, or 717B.9, or this section.

7 4. In addition to a penalty imposed under subsection 3,  
8 the court shall order a defendant convicted of or receiving a  
9 deferred judgment for service dog abuse to make restitution  
10 for pecuniary damages pursuant to chapter 910. The amount of  
11 pecuniary damages ordered to be paid to the victim by a court  
12 shall be limited to expenses for veterinary care, the temporary  
13 or permanent replacement of the service dog, and other  
14 reasonable expenses incurred as a direct result of the attack.

15 EXPLANATION

16 The inclusion of this explanation does not constitute agreement with  
17 the explanation's substance by the members of the general assembly.

18 GENERAL. This bill amends Code chapter 717B, which provides  
19 for offenses relating to the mistreatment of animals defined  
20 not to include livestock or game (Code section 717B.1).

21 SERVICE DOG ABUSE — NEW CRIMINAL OFFENSE. The bill creates  
22 a criminal offense referred to as service dog abuse. A service  
23 dog is a dog specially trained to assist a person with a  
24 disability. Code chapter 216C provides rights to persons  
25 with disabilities including the right to be accompanied by a  
26 service dog (Code section 216C.11). This new offense would be  
27 committed when a person owns or possesses a dog which attacks  
28 a service dog, if the service dog was individually trained to  
29 perform functions related to a diagnosed disability. The bill  
30 specifically excludes certain circumstances including when the  
31 two dogs are owned by the same person, or a service dog was  
32 either not under the control of its owner or handler or behaved  
33 aggressively.

34 SERVICE DOG ABUSE — PENALTIES AND RESTITUTION. Generally,  
35 a person convicted of service dog abuse is guilty of a simple

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1 misdemeanor. However, a person owning or possessing the  
2 attacking dog is guilty of a serious misdemeanor if the attack  
3 was directly caused by the person's willful, malicious, or  
4 reckless act; the service dog was critically injured or killed;  
5 or the person has been convicted three or more times in the  
6 previous 10 years of an offense under the Code chapter. The  
7 person must also pay restitution to the victim for certain  
8 expenses incurred by the attack, including for veterinary care  
9 or for the replacement of the service dog (see Code chapter  
10 910).

11 BACKGROUND. Animal abuse is committed when a person  
12 intentionally causes an animal injury or disfigurement or kills  
13 an animal. A person committing animal abuse is guilty of an  
14 aggravated misdemeanor (Code section 717B.2). Animal neglect  
15 is committed when a person who confines an animal fails to  
16 properly care for the animal or otherwise injures or kills an  
17 animal in a manner that causes unjustified suffering. A person  
18 committing animal neglect is guilty of a simple misdemeanor,  
19 unless the person intentionally commits an act which results  
20 in serious injury to or the death of the animal. In those  
21 circumstances the person is guilty of a serious misdemeanor  
22 (Code section 717B.3). Animal torture is committed when a  
23 person inflicts severe physical pain upon an animal with a  
24 depraved or sadistic intent to cause prolonged suffering or  
25 death. For the first conviction, the person is guilty of  
26 an aggravated misdemeanor and for the second or subsequent  
27 conviction, the person is guilty of a class "D" felony. The  
28 sentencing order must also order the person to submit to  
29 psychological evaluation and treatment (Code section 717B.3A).  
30 Injury or interference with a police service dog is committed  
31 when a person knowingly, willfully, or maliciously abuses a  
32 police service dog. A person committing the offense is guilty  
33 of a serious misdemeanor, unless the person's act involves  
34 torture, serious injury, or death. In those circumstances the  
35 person is guilty of a class "D" felony (Code section 717B.9).

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1 CRIMINAL PENALTIES. A simple misdemeanor is punishable by  
2 confinement for no more than 30 days or a fine of at least  
3 \$65 but not more than \$625 or by both. A serious misdemeanor  
4 is punishable by confinement for no more than one year and a  
5 fine of at least \$315 but not more than \$1,875. An aggravated  
6 misdemeanor is punishable by confinement for no more than two  
7 years and a fine of at least \$625 but not more than \$6,250. A  
8 class "D" felony is punishable by confinement for no more than  
9 five years and a fine of at least \$750 but not more than \$7,500.



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**Senate File 2034 - Introduced**

SENATE FILE 2034  
BY HOGG

**A BILL FOR**

1 An Act establishing a tornado resistance infrastructure  
2 program, making an appropriation, and including effective  
3 date provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5275XS (5) 85  
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1 Section 1. TORNADO RESISTANCE INFRASTRUCTURE PROGRAM —  
2 APPROPRIATION.

3 1. There is established a tornado resistance infrastructure  
4 program to be administered by the department of homeland  
5 security and emergency management established in section  
6 29C.5. The objective of the program shall be to provide  
7 funding to designated entities to assist in the financing of  
8 infrastructure improvement projects designed to enhance tornado  
9 resistance in certain physical structures and reduce the  
10 likelihood of significant tornado-related damage.

11 2. a. In order to receive funding pursuant to the program,  
12 an applicant shall submit project plans certified by an  
13 engineer, architect, or other professional designated by the  
14 department by rule as qualified to verify that the proposed  
15 project meets standards for effectiveness in tornado safety to  
16 be developed by the department.

17 b. Eligible applicants shall include owners or entities in  
18 charge of the following types of physical structures:

19 (1) School buildings.

20 (2) Mobile home parks.

21 (3) Physical structures at summer camp facilities.

22 (4) Apartment complexes and dormitories.

23 (5) Hospitals and nursing homes.

24 (6) Stadiums, fairgrounds, and other outdoor public  
25 facilities.

26 (7) Any other facility, including business and industrial  
27 facilities, determined by the department to have or face a  
28 demonstrable risk of significant tornado damage.

29 3. a. Fifty percent of the funds appropriated pursuant to  
30 subsection 6 shall be allocated for school building, mobile  
31 home park, and summer camp tornado resistance infrastructure  
32 improvement projects. School districts, institutions under the  
33 control of the state board of regents, mobile home park owners  
34 and operators, and summer camp owners and operators may receive  
35 up to seventy-five percent of the estimated cost of a project

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1 from program funds.

2     b. Owners or entities in charge of physical structures other  
3 than school buildings and mobile home parks may receive up to  
4 fifty percent of the estimated cost of a project from program  
5 funds.

6     4. Factors to be considered by the department in  
7 awarding funds for projects pursuant to this section shall  
8 include but not be limited to a physical structure's current  
9 vulnerability to tornado damage, project support from local  
10 emergency management officials, the number of children and  
11 adults projected to receive enhanced safety and protection  
12 pursuant to the project, the level of financial commitment  
13 and participation by the owner or entity in charge of a  
14 physical structure subject to a proposed project and the  
15 availability of other funding sources, and the commitment of  
16 the owner or entity in charge of the physical structure to the  
17 implementation of tornado safety training and practices.

18     5. The department shall adopt rules to administer the  
19 program. The department may adopt rules on an emergency basis  
20 as provided in sections 17A.4 and 17A.15 to administer the  
21 program. Any emergency rules adopted in accordance with the  
22 program shall also be published as a notice of intended action  
23 as provided in section 17A.4.

24     6. a. There is appropriated from the general fund of the  
25 state to the department of homeland security and emergency  
26 management for the fiscal year beginning July 1, 2014, and  
27 ending June 30, 2015, the following amount, or so much thereof  
28 as is necessary, for the purposes designated:

29     For administration of the tornado resistance infrastructure  
30 program established pursuant to this section:

31 ..... \$ 20,000,000

32     b. Notwithstanding section 8.33, moneys appropriated in  
33 this section that remain unencumbered or unobligated at the  
34 close of the fiscal year shall not revert but shall remain  
35 available to be used for the purposes designated in succeeding

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1 fiscal years.

2 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of  
3 immediate importance, takes effect upon enactment.

4 EXPLANATION

5 The inclusion of this explanation does not constitute agreement with  
6 the explanation's substance by the members of the general assembly.

7 This bill establishes a tornado resistance infrastructure  
8 program to be administered by the department of homeland  
9 security and emergency management. The bill provides that  
10 the objective of the program shall be to provide funding to  
11 designated owners or entities to assist in the financing of  
12 infrastructure improvement projects designed to enhance tornado  
13 resistance in physical structures and reduce the likelihood of  
14 significant tornado-related damage.

15 The bill provides that in order to receive funding pursuant  
16 to the program, applicants shall submit project plans certified  
17 by an engineer, architect, or other professional designated by  
18 the department by rule as qualified to verify that a project  
19 meets standards for effectiveness in tornado safety to be  
20 developed by the department. Eligible applicants include  
21 owners or entities in charge of school buildings, mobile home  
22 parks, physical structures at summer camp facilities, apartment  
23 complexes and dormitories, hospitals and nursing homes,  
24 stadiums, fairgrounds, and other outdoor public facilities,  
25 and any other facility, including business and industrial  
26 facilities, determined by the department to have or face a  
27 demonstrable risk of significant tornado damage.

28 The bill allocates 50 percent of appropriated funds for  
29 school building, mobile home park, and summer camp tornado  
30 resistance infrastructure projects, and provides that school  
31 districts, institutions under the control of the state board  
32 of regents, mobile home park owners and operators, and summer  
33 camp owners and operators may receive up to 75 percent of  
34 the estimated cost of a project from program funds. The  
35 bill provides that owners or entities in charge of physical

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1 structures other than school buildings and mobile home parks  
2 may receive up to 50 percent of the estimated cost of a project  
3 from program funds.

4 The bill specifies factors to be considered by the  
5 department in awarding funds for projects, including but not  
6 limited to a physical structure's current vulnerability to  
7 tornado damage, project support from local emergency management  
8 officials, the number of children and adults projected to  
9 receive enhanced safety and protection pursuant to the project,  
10 the level of financial commitment and participation by the  
11 owner or entity in charge of a physical structure subject to a  
12 proposed project and the availability of other funding sources,  
13 and the commitment of the owner or entity in charge of the  
14 physical structure to the implementation of tornado safety  
15 training and practices.

16 The bill directs the department to adopt rules to administer  
17 the program, and authorizes the adoption of rules on an  
18 emergency basis.

19 The bill appropriates \$20 million from the general fund of  
20 the state to the department for the fiscal year beginning July  
21 1, 2014, and ending June 30, 2015, for purposes of funding the  
22 program, and provides for nonreversion pursuant to Code section  
23 8.33.

24 The bill takes effect upon enactment.





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**Senate File 2035 - Introduced**

SENATE FILE 2035  
BY FEENSTRA

**A BILL FOR**

1 An Act relating to teacher licensure of applicants from other  
2 states or countries by the board of educational examiners.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5054XS (4) 85  
kh/rj



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1 Section 1. Section 272.8, subsection 3, Code 2014, is  
2 amended to read as follows:  
3 3. Practitioner preparation and professional development  
4 programs offered in this state by out-of-state institutions  
5 must be approved by the board in order to fulfill requirements  
6 for licensure or renewal of a license by an applicant.  
7 Notwithstanding this section and section 256.16, if an  
8 applicant from another state or country meets the requirements  
9 of this section but has not met the assessment requirement of  
10 section 256.16, subsection 1, paragraph "a", subparagraph (2),  
11 the board may issue to the applicant a conditional teaching  
12 license which shall be valid for not more than two years. The  
13 conditional teaching license shall authorize the applicant to  
14 be employed as a full-time beginning, probationary teacher in  
15 a subject area which shall be specified on the conditional  
16 license by the board.

17 EXPLANATION

18 The inclusion of this explanation does not constitute agreement with  
19 the explanation's substance by the members of the general assembly.

20 This bill provides an exception to Code section 256.16, to  
21 allow the board of educational examiners to issue a conditional  
22 teaching license to an applicant from another state or  
23 country who has not taken the subject assessments that measure  
24 pedagogy and subject area knowledge. Students must take these  
25 assessments in an approved practitioner preparation program  
26 and must score above the 25th percentile nationally in order  
27 to graduate from the program. The applicant must file with  
28 the board evidence of the possession of all other required or  
29 equivalent requirements. The conditional teaching license is  
30 valid for not more than two years and authorizes the applicant  
31 to be employed as a full-time beginning, probationary teacher  
32 in a subject area which shall be specified on the license.



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**Senate File 2036 - Introduced**

SENATE FILE 2036  
BY SODDERS

**A BILL FOR**

1 An Act concerning the use of hidden compartments in vehicles,  
2 and providing penalties.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5202XS (3) 85  
jm/nh



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S.F. 2036

1 Section 1. **NEW SECTION. 321.284B Hidden compartments.**  
2 1. As used in this section unless the context otherwise  
3 requires:  
4 a. "*Controlled substance*" means the same as defined in  
5 section 124.101.  
6 b. "*Hidden compartment*" means a container, space, or  
7 enclosure that conceals, hides, or otherwise prevents  
8 the discovery of the contents of the container, space, or  
9 enclosure. "*Hidden compartment*" includes but is not limited to  
10 any of the following:  
11 (1) A false or modified fuel tank.  
12 (2) Original factory equipment on a vehicle that has been  
13 modified to conceal or prevent the discovery of the contents  
14 within the modified equipment.  
15 (3) A compartment, space, box, or other closed container  
16 that is added or attached to an existing compartment, space,  
17 box, or closed container integrated within or attached to a  
18 vehicle.  
19 c. "*Manufacturer*" means the same as defined in section  
20 321.1.  
21 d. "*Motor vehicle dealer*" means a dealer required to be  
22 licensed under chapter 322.  
23 e. "*Vehicle*" means the same as defined in section 321.1.  
24 2. A person shall not knowingly design, build, construct,  
25 or fabricate a vehicle with a hidden compartment, or modify  
26 or alter any portion of a vehicle in order to create or add a  
27 hidden compartment, with the intent to facilitate the unlawful  
28 concealment or transportation of a controlled substance. A  
29 person who violates this subsection commits a class "D" felony.  
30 3. A person shall not knowingly operate, possess, or use a  
31 vehicle with a hidden compartment with the knowledge that the  
32 hidden compartment is used or intended to be used to facilitate  
33 the unlawful concealment or transportation of a controlled  
34 substance. A person who violates this subsection commits a  
35 class "D" felony.



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1 4. This section does not apply to any of the following:  
2 a. A peace officer as defined in section 801.4 when the  
3 officer is acting within the scope of the lawful duty or  
4 authority of that officer.  
5 b. A motor vehicle dealer or manufacturer in the ordinary  
6 course of business.  
7 c. A box, safe, container, or other item added to a  
8 vehicle for the purpose of securing valuables, electronics, or  
9 firearms, provided that at the time of discovery the box, safe,  
10 container, or other item added to the vehicle does not contain  
11 a controlled substance or residue of a controlled substance.  
12 5. This section does not impose a duty on a motor vehicle  
13 dealer to know, discover, report, repair, or disclose the  
14 existence of a hidden compartment to any person.

15 EXPLANATION

16 The inclusion of this explanation does not constitute agreement with  
17 the explanation's substance by the members of the general assembly.

18 This bill relates to the use of hidden compartments in a  
19 vehicle.  
20 The bill prohibits a person from knowingly designing,  
21 building, constructing, or fabricating a vehicle with a hidden  
22 compartment, or modifying or altering any portion of a vehicle  
23 in order to create or add a hidden compartment, with the intent  
24 to facilitate the unlawful concealment or transportation of a  
25 controlled substance.  
26 The bill prohibits a person from knowingly operating,  
27 possessing, or using a vehicle with a hidden compartment  
28 with the knowledge that the hidden compartment is used or  
29 intended to be used to facilitate the unlawful concealment or  
30 transportation of a controlled substance.  
31 The bill defines a "hidden compartment" to mean a container,  
32 space, or enclosure that conceals, hides, or otherwise prevents  
33 the discovery of the contents of the container, space, or  
34 enclosure. Under the bill "hidden compartment" includes but  
35 is not limited to any of the following: an altered or modified

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1 fuel tank, original factory equipment on a vehicle that has  
2 been modified to conceal or prevent the discovery of the  
3 modified equipment's content, or a space, box, or other closed  
4 container that is added or attached to an existing compartment,  
5 space, box, or closed container integrated within or attached  
6 to a vehicle.

7 The bill defines "vehicle" to mean the same as defined in  
8 Code section 321.1(90). The definition under Code section  
9 321.1 includes every device in, upon, or by which any person or  
10 property is or may be transported or drawn upon a highway.

11 The bill does not apply to the following: a peace officer as  
12 defined in Code section 801.4 when the officer is acting within  
13 the scope of the lawful duty or authority of that officer, a  
14 motor vehicle dealer or manufacturer in the ordinary course of  
15 business, or a box, safe, container, or other item added to a  
16 vehicle for the purpose of securing valuables, electronics, or  
17 firearms provided that at the time of discovery the box, safe,  
18 container, or other item added to the vehicle does not contain  
19 a controlled substance or residue of a controlled substance.

20 The bill does not impose a duty on a motor vehicle dealer to  
21 know, discover, report, repair, or disclose the existence of a  
22 hidden compartment to any person.

23 A person who violates the bill commits a class "D" felony. A  
24 class "D" felony is punishable by confinement for no more than  
25 five years and a fine of at least \$750 but not more than \$7,500.



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**Senate Study Bill 3042 - Introduced**

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
PUBLIC HEALTH BILL)

**A BILL FOR**

1 An Act relating to the Iowa health information network.

2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5306XD (8) 85  
pf/nh



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S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 Section 1. Section 135.154, Code 2014, is amended by adding  
2 the following new subsections:

3 NEW SUBSECTION. 3A. "*Care coordination*" means the  
4 management of all aspects of a patient's care to improve health  
5 care quality, patient outcomes, and patient safety.

6 NEW SUBSECTION. 19A. "*Public health activities*" means  
7 actions taken by a participant in its capacity as a public  
8 health authority under the Health Insurance Portability and  
9 Accountability Act or as required or permitted by other federal  
10 or state law.

11 NEW SUBSECTION. 23. "*Record locator service*" means the  
12 functionality of the Iowa health information network that  
13 queries data sources to locate and identify potential patient  
14 records.

15 Sec. 2. Section 135.156E, subsection 13, Code 2014, is  
16 amended to read as follows:

17 13. Unless otherwise provided in this division, when ~~using~~  
18 sharing health information through the Iowa health information  
19 network or a private health information network maintained  
20 in this state that complies with the privacy and security  
21 requirements of this chapter for the purposes of patient  
22 treatment, ~~a health care professional or a hospital~~ payment  
23 or health care operations, as such terms are defined in the  
24 Health Insurance Portability and Accountability Act, or for  
25 the purposes of public health activities or care coordination,  
26 a participant authorized by the department to use the record  
27 locator service is exempt from any other state law that is  
28 more restrictive than the Health Insurance Portability and  
29 Accountability Act that would otherwise prevent or hinder the  
30 exchange of patient information by the ~~patient's health care~~  
31 ~~professional or hospital~~ participant.

32 EXPLANATION

33 The inclusion of this explanation does not constitute agreement with  
34 the explanation's substance by the members of the general assembly.

35 This bill amends a provision exempting health care

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1 professionals and hospitals from state laws more restrictive  
2 than the federal Health Insurance Portability and  
3 Accountability Act (HIPAA) that would prevent or hinder the  
4 exchange of patient information by the health care professional  
5 or hospital when using the Iowa health information network  
6 (IHIN) or a private health information network that complies  
7 with the privacy and security requirements for the IHIN,  
8 for the purposes of patient treatment. The bill continues  
9 to limit the exemption to the sharing of health information  
10 through the IHIN or private network, but adds payment and  
11 health care operations (as defined in HIPAA) and public health  
12 activities and care coordination to the purposes allowed for  
13 such exemption, and substitutes participants authorized to  
14 use the record locator service under the IHIN for health care  
15 professionals and hospitals as the persons exempted. The terms  
16 "care coordination", "public health activities", and "record  
17 locator service" are defined in the bill.



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**Senate Study Bill 3043 - Introduced**

SENATE FILE \_\_\_\_\_

BY (PROPOSED COMMITTEE ON  
HUMAN RESOURCES BILL BY  
CHAIRPERSON RAGAN)

**A BILL FOR**

- 1 An Act relating to a physician assistant's or advanced
- 2 registered nurse practitioner's authority in regard to
- 3 life-sustaining procedures.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 144A.2, Code 2014, is amended by adding  
2 the following new subsections:

3 NEW SUBSECTION. 1A. "*Advanced registered nurse practitioner*"  
4 means an advanced registered nurse practitioner licensed  
5 pursuant to chapter 152 or 152E.

6 NEW SUBSECTION. 1B. "*Attending advanced registered nurse*  
7 *practitioner*" means the advanced registered nurse practitioner  
8 selected by, or assigned to, the patient who has primary  
9 responsibility for the treatment and care of the patient.

10 NEW SUBSECTION. 2A. "*Attending physician assistant*" means  
11 the physician assistant selected by, or assigned to, the  
12 patient who has primary responsibility for the treatment and  
13 care of the patient.

14 NEW SUBSECTION. 10A. "*Physician assistant*" means a person  
15 licensed under chapter 148C.

16 Sec. 2. Section 144A.2, subsections 9, 11, and 13, Code  
17 2014, are amended to read as follows:

18 9. "*Out-of-hospital do-not-resuscitate order*" means a written  
19 order signed by a physician, physician assistant, or advanced  
20 registered nurse practitioner, executed in accordance with the  
21 requirements of section 144A.7A and issued consistent with  
22 this chapter, that directs the withholding or withdrawal of  
23 resuscitation when an adult patient in a terminal condition is  
24 outside the hospital.

25 11. "*Qualified patient*" means a patient who has executed  
26 a declaration or an out-of-hospital do-not-resuscitate order  
27 in accordance with this chapter and who has been determined  
28 by the attending physician, attending physician assistant, or  
29 attending advanced registered nurse practitioner to be in a  
30 terminal condition.

31 13. "*Terminal condition*" means an incurable or irreversible  
32 condition that, without the administration of life-sustaining  
33 procedures, will, in the opinion of the attending physician,  
34 attending physician assistant, or attending advanced registered  
35 nurse practitioner, result in death within a relatively short

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1 period of time or a state of permanent unconsciousness from  
2 which, to a reasonable degree of medical certainty, there can  
3 be no recovery.

4 Sec. 3. Section 144A.3, subsections 3 and 5, Code 2014, are  
5 amended to read as follows:

6 3. It is the responsibility of the declarant to provide the  
7 declarant's attending physician, attending physician assistant,  
8 attending advanced registered nurse practitioner, or health  
9 care provider with the declaration. An attending physician,  
10 attending physician assistant, attending advanced registered  
11 nurse practitioner, or health care provider may presume, in the  
12 absence of actual notice to the contrary, that the declaration  
13 complies with this chapter and is valid.

14 5. A declaration executed pursuant to this chapter may, but  
15 need not, be in the following form:

16 DECLARATION

17 If I should have an incurable or irreversible condition that  
18 will result either in death within a relatively short period  
19 of time or a state of permanent unconsciousness from which,  
20 to a reasonable degree of medical certainty, there can be no  
21 recovery, it is my desire that my life not be prolonged by  
22 the administration of life-sustaining procedures. If I am  
23 unable to participate in my health care decisions, I direct  
24 my attending physician, attending physician assistant, or  
25 attending advanced registered nurse practitioner to withhold  
26 or withdraw life-sustaining procedures that merely prolong the  
27 dying process and are not necessary to my comfort or freedom  
28 from pain.

29 Sec. 4. Section 144A.4, Code 2014, is amended to read as  
30 follows:

31 **144A.4 Revocation of declaration.**

32 1. A declaration may be revoked at any time and in any  
33 manner by which the declarant is able to communicate the  
34 declarant's intent to revoke, without regard to mental or  
35 physical condition. A revocation is only effective as to

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1 the attending physician, attending physician assistant,  
2 or attending advanced registered nurse practitioner upon  
3 communication to such physician, physician assistant, or  
4 advanced registered nurse practitioner by the declarant or by  
5 another to whom the revocation was communicated.

6 2. The attending physician, attending physician assistant,  
7 or attending advanced registered nurse practitioner shall make  
8 the revocation a part of the declarant's medical record.

9 Sec. 5. Section 144A.5, Code 2014, is amended to read as  
10 follows:

11 **144A.5 Determination of terminal condition.**

12 When an attending physician, an attending physician  
13 assistant, or attending advanced registered nurse practitioner  
14 who has been provided with a declaration determines that  
15 the declarant is in a terminal condition, this decision  
16 must be confirmed by another physician, physician assistant,  
17 or advanced registered nurse practitioner. The attending  
18 physician, attending physician assistant, or attending advanced  
19 registered nurse practitioner must record that determination in  
20 the declarant's medical record.

21 Sec. 6. Section 144A.6, subsection 2, Code 2014, is amended  
22 to read as follows:

23 2. The declaration of a qualified patient known to  
24 the attending physician, attending physician assistant,  
25 or attending advanced registered nurse practitioner to be  
26 pregnant shall not be in effect as long as the fetus could  
27 develop to the point of live birth with continued application  
28 of life-sustaining procedures. However, the provisions  
29 of this subsection do not impair any existing rights or  
30 responsibilities that any person may have in regard to the  
31 withholding or withdrawal of life-sustaining procedures.

32 Sec. 7. Section 144A.7, subsection 1, unnumbered paragraph  
33 1, Code 2014, is amended to read as follows:

34 Life-sustaining procedures may be withheld or withdrawn from  
35 a patient who is in a terminal condition and who is comatose,

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1 incompetent, or otherwise physically or mentally incapable of  
2 communication and has not made a declaration in accordance with  
3 this chapter if there is consultation and written agreement for  
4 the withholding or the withdrawal of life-sustaining procedures  
5 between the attending physician, attending physician assistant,  
6 or attending advanced registered nurse practitioner and any of  
7 the following individuals, who shall be guided by the express  
8 or implied intentions of the patient, in the following order  
9 of priority if no individual in a prior class is reasonably  
10 available, willing, and competent to act:

11 Sec. 8. Section 144A.7, subsection 3, Code 2014, is amended  
12 to read as follows:

13 3. Subsections 1 and 2 shall not be in effect for a patient  
14 who is known to the attending physician, attending physician  
15 assistant, or attending advanced registered nurse practitioner  
16 to be pregnant with a fetus that could develop to the point  
17 of live birth with continued application of life-sustaining  
18 procedures. However, the provisions of this subsection do  
19 not impair any existing rights or responsibilities that any  
20 person may have in regard to the withholding or withdrawal of  
21 life-sustaining procedures.

22 Sec. 9. Section 144A.7A, subsection 1, Code 2014, is amended  
23 to read as follows:

24 1. If an attending physician, attending physician  
25 assistant, or attending advanced registered nurse practitioner  
26 issues an out-of-hospital do-not-resuscitate order for an adult  
27 patient under this section, the physician, physician assistant,  
28 or advanced registered nurse practitioner shall use the form  
29 prescribed pursuant to subsection 2, include a copy of the  
30 order in the patient's medical record, and provide a copy to  
31 the patient or an individual authorized to act on the patient's  
32 behalf.

33 Sec. 10. Section 144A.7A, subsection 3, paragraph e, Code  
34 2014, is amended to read as follows:

35 e. The physician's, physician assistant's, or advanced

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1 registered nurse practitioner's signature.

2 Sec. 11. Section 144A.8, subsection 1, Code 2014, is amended  
3 to read as follows:

4 1. An attending physician, attending physician assistant,  
5 or attending advanced registered nurse practitioner who is  
6 unwilling to comply with the requirements of section 144A.5, or  
7 who is unwilling to comply with the declaration of a qualified  
8 patient in accordance with section 144A.6 or an out-of-hospital  
9 do-not-resuscitate order pursuant to section 144A.7A, or who is  
10 unwilling to comply with the provisions of section 144A.7 or  
11 144A.7A shall take all reasonable steps to effect the transfer  
12 of the patient to another physician, physician assistant, or  
13 advanced registered nurse practitioner.

14 Sec. 12. Section 144A.9, subsection 1, paragraphs a and c,  
15 Code 2014, are amended to read as follows:

16 a. A physician, physician assistant, or advanced registered  
17 nurse practitioner who causes the withholding or withdrawal of  
18 life-sustaining procedures from a qualified patient.

19 c. A person who participates in the withholding or  
20 withdrawal of life-sustaining procedures under the direction of  
21 or with the authorization of a physician, physician assistant,  
22 or advanced registered nurse practitioner.

23 Sec. 13. Section 144A.9, subsection 2, Code 2014, is amended  
24 to read as follows:

25 2. A physician, physician assistant, or advanced registered  
26 nurse practitioner is not subject to civil or criminal  
27 liability for actions under this chapter which are in accord  
28 with reasonable medical standards.

29 Sec. 14. Section 144A.11, subsection 3, Code 2014, is  
30 amended to read as follows:

31 3. A physician, physician assistant, advanced registered  
32 nurse practitioner, health care provider, health care service  
33 plan, insurer issuing disability insurance, self-insured  
34 employee welfare benefit plan, or nonprofit hospital plan  
35 shall not require any person to execute a declaration or an

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1 out-of-hospital do-not-resuscitate order as a condition for  
2 being insured for, or receiving, health care services.

3 Sec. 15. Section 144D.4, subsection 3, Code 2014, is amended  
4 to read as follows:

5 3. If the individual's physician, physician assistant,  
6 or advanced registered nurse practitioner has issued an  
7 out-of-hospital do-not-resuscitate order pursuant to section  
8 144A.7A, the POST form shall not supersede the out-of-hospital  
9 do-not-resuscitate order.

10 Sec. 16. Section 235B.2, subsection 5, paragraph b,  
11 subparagraph (3), Code 2014, is amended to read as follows:

12 (3) The withholding or withdrawing of health care from  
13 a dependent adult who is terminally ill in the opinion of a  
14 licensed physician, physician assistant, or advanced registered  
15 nurse practitioner, when the withholding or withdrawing of  
16 health care is done at the request of the dependent adult or at  
17 the request of the dependent adult's next of kin, attorney in  
18 fact, or guardian pursuant to the applicable procedures under  
19 chapter 125, 144A, 144B, 222, 229, or 633.

20 Sec. 17. Section 235E.1, subsection 5, paragraph b,  
21 subparagraph (3), Code 2014, is amended to read as follows:

22 (3) The withholding or withdrawing of health care from  
23 a dependent adult who is terminally ill in the opinion of a  
24 licensed physician, physician assistant, or advanced registered  
25 nurse practitioner, when the withholding or withdrawing of  
26 health care is done at the request of the dependent adult or at  
27 the request of the dependent adult's next of kin, attorney in  
28 fact, or guardian pursuant to the applicable procedures under  
29 chapter 125, 144A, 144B, 222, 229, or 633.

30 EXPLANATION

31 The inclusion of this explanation does not constitute agreement with  
32 the explanation's substance by the members of the general assembly.

33 This bill relates to a physician assistant's or advanced  
34 registered nurse practitioner's authority in regard to  
35 life-sustaining procedures. The bill grants a physician

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1 assistant and an advanced registered nurse practitioner the  
2 same authority as a physician to issue an out-of-hospital  
3 do-not-resuscitate order for an adult patient pursuant to  
4 Code chapter 144A, to withhold life-sustaining procedures in  
5 accordance with the Code chapter, to consult and be party to a  
6 written agreement for withholding life-sustaining procedures  
7 pursuant to the Code chapter, and to determine that a patient  
8 has a terminal condition.

9 The bill makes conforming changes.



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**Senate Study Bill 3044 - Introduced**

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
NATURAL RESOURCES AND  
ENVIRONMENT BILL BY  
CHAIRPERSON DEARDEN)

**A BILL FOR**

1 An Act relating to the possession of a pistol, revolver,  
2 or ammunition by a person under the age of twenty-one in  
3 certain circumstances and making penalties applicable.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5138XC (1) 85  
rh/rj



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S.F. \_\_\_\_\_

1 Section 1. Section 724.22, subsection 5, Code 2014, is  
2 amended to read as follows:

3 5. A parent or guardian or spouse who is twenty-one years  
4 of age or older, of a person ~~fourteen~~ twelve years of age but  
5 less than twenty-one may allow the person to possess a pistol  
6 or revolver or the ammunition therefor for any lawful purpose  
7 while under the direct supervision of the parent or guardian  
8 or spouse who is twenty-one years of age or older, or while the  
9 person receives instruction in the proper use thereof from an  
10 instructor twenty-one years of age or older, with the consent  
11 of such parent, guardian, or spouse.

12 EXPLANATION

13 The inclusion of this explanation does not constitute agreement with  
14 the explanation's substance by the members of the general assembly.

15 Under current law, a person 14 years of age but less than 21  
16 years of age may possess a pistol or revolver or the ammunition  
17 for the pistol or revolver for any lawful purpose while under  
18 the direct supervision of the person's parent or guardian or  
19 spouse who is 21 years of age or older, or while the person  
20 receives instruction in the proper use of a pistol or revolver  
21 from an instructor who is 21 or older with the consent of such  
22 parent, guardian, or spouse. The bill lowers the age limit for  
23 the person to possess a pistol or revolver or ammunition under  
24 these circumstances to 12 years of age. Under Code section  
25 724.22, subsection 2, a person who violates this provision  
26 commits a serious misdemeanor for a first offense and a class  
27 "D" felony for second and subsequent offenses.



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**Senate Study Bill 3045 - Introduced**

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COLLEGE STUDENT  
AID COMMISSION BILL)

**A BILL FOR**

1 An Act relating to programs and accounts administered by the  
2 college student aid commission.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5165XD (5) 85  
kh/rj



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S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 Section 1. Section 8A.504, subsection 1, paragraph c,  
2 subparagraph (2), Code 2014, is amended to read as follows:

3 (2) An amount that is due because of a default on a  
4 ~~guaranteed student or parental~~ loan under chapter 261.

5 Sec. 2. Section 8A.504, subsection 4, Code 2014, is amended  
6 to read as follows:

7 4. The director shall have the authority to enter into  
8 reciprocal agreements with the departments of revenue of other  
9 states that have enacted legislation that is substantially  
10 equivalent to the setoff procedure provided in this section  
11 for the recovery of an amount due because of a default on a  
12 ~~guaranteed student or parental~~ loan under chapter 261. A  
13 reciprocal agreement shall also be approved by the college  
14 student aid commission. The agreement shall authorize the  
15 department to provide by rule for the setoff of state income  
16 tax refunds or rebates of defaulters from states with which  
17 Iowa has a reciprocal agreement and to provide for sending  
18 lists of names of Iowa defaulters to the states with which Iowa  
19 has a reciprocal agreement for setoff of that state's income  
20 tax refunds.

21 Sec. 3. Section 261.9, unnumbered paragraph 1, Code 2014,  
22 is amended to read as follows:

23 When used in this ~~division~~ part, unless the context  
24 otherwise requires:

25 Sec. 4. Section 261.37, subsection 7, Code 2014, is amended  
26 to read as follows:

27 7. To establish an effective system for the collection  
28 of delinquent loans, including the adoption of an agreement  
29 with the department of administrative services to set off  
30 against a defaulter's income tax refund or rebate the amount  
31 that is due because of a default on a ~~guaranteed or parental~~  
32 loan made under this division. The commission shall adopt  
33 rules under chapter 17A necessary to assist the department of  
34 administrative services in the implementation of the student  
35 loan setoff program as established under section 8A.504.

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1 The commission shall apply administrative wage garnishment  
2 procedures authorized under the federal Higher Education Act of  
3 1965, as amended and codified in 20 U.S.C. § 1071 et seq., for  
4 all delinquent loans, including loans authorized under section  
5 261.38, when a defaulter who is financially capable of paying  
6 fails to voluntarily enter into a reasonable payment agreement.  
7 In no case shall the commission garnish more than the amount  
8 authorized by federal law for all loans being collected by the  
9 commission, including those authorized under section 261.38.

10 Sec. 5. Section 261.38, subsections 1, 3, and 4, Code 2014,  
11 are amended to read as follows:

12 1. The commission shall establish ~~a loan reserve account~~  
13 ~~and~~ an agency operating account as authorized by the federal  
14 Higher Education Act of 1965. The commission shall credit to  
15 ~~these accounts~~ the agency operating account all moneys provided  
16 for the state student loan program by the United States, the  
17 state of Iowa, or any of their agencies, departments, or  
18 instrumentalities, as well as any funds accruing to the program  
19 which are not required for current administrative expenses.  
20 The commission may expend moneys in the ~~loan reserve and~~ agency  
21 ~~operating accounts~~ account as authorized by the federal Higher  
22 Education Act of 1965.

23 3. Notwithstanding section 8.33, funds on deposit in the  
24 ~~loan reserve and~~ agency operating accounts account shall not  
25 revert to the state general fund at the close of any fiscal  
26 year.

27 4. The treasurer of state shall invest any funds, ~~including~~  
28 ~~those in the loan reserve and~~ agency operating accounts  
29 account, and, notwithstanding section 12C.7, the interest  
30 income earned shall be credited back to the ~~appropriate~~ agency  
31 operating account.

32 Sec. 6. Section 261.38, subsection 2, Code 2014, is amended  
33 by striking the subsection.

34 Sec. 7. REPEAL. Sections 261.17A, 261.22, 261.39, 261.41,  
35 261.44, 261.48, 261.54, 261.81A, and 261.82, Code 2013, are

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1 repealed.

2 Sec. 8. CODE EDITOR DIRECTIVES.

3 1. The Code editor shall do all of the following:

4 a. Create three new parts in chapter 261 as follows:

5 (1) Part 1 shall be entitled "Iowa Tuition Grants" and shall  
6 include sections 261.9 through 261.16.

7 (2) Part 2 shall be entitled "Vocational-Technical Tuition  
8 Grants" and shall include section 261.17.

9 (3) Part 3 shall be entitled "Administration" and shall  
10 include sections 261.20 and 261.25.

11 b. (1) Transfer and renumber sections 261.18, 261.19,  
12 261.23, and 261.24 as follows:

13 (a) Section 261.18 as section 261.61.

14 (b) Section 261.19 as section 261.115.

15 (c) Section 261.23 as section 261.116.

16 (d) Section 261.24 as section 261.62.

17 (2) Correct internal references as necessary.

18 2. The Code editor may renumber sections within division  
19 II of chapter 261 and shall correct internal references as  
20 necessary.

21 EXPLANATION

22 The inclusion of this explanation does not constitute agreement with  
23 the explanation's substance by the members of the general assembly.

24 This bill makes changes to Code chapter 261 in response to  
25 recent changes in the federal Higher Education Act of 1965,  
26 as amended. The bill eliminates references to guaranteed  
27 student or parental loans and to the loan reserve account, and  
28 repeals related Code provisions. The bill also repeals Code  
29 sections relating to the Iowa hope loan program, accelerated  
30 career education grant program, guaranteed loan payment  
31 program, minority teacher loan payments, repayment of science  
32 and mathematics loans, the Iowa heritage corps, and other  
33 obsolete Code sections, and directs the Code editor to transfer  
34 Code sections 261.18, 261.19, 261.23, and 261.24 to new Code  
35 sections within the Code chapter to improve readability.

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**Senate Study Bill 3046 - Introduced**

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
EDUCATION BILL)

**A BILL FOR**

1 An Act relating to incentives for whole grade sharing and  
2 reorganization or dissolution by school districts.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5223XD (6) 85  
kh/rj





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S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 Section 1. Section 257.3, subsection 2, paragraph d, Code  
2 2014, is amended to read as follows:

3 d. For purposes of this section, a reorganized school  
4 district is one which absorbs at least thirty percent of the  
5 enrollment of the school district affected by a reorganization  
6 or dissolved during a dissolution and in which action to bring  
7 about a reorganization or dissolution is initiated by a vote  
8 of the board of directors or jointly by the affected boards of  
9 directors to take effect on or after July 1, ~~2007~~ 2015, and on  
10 or before July 1, ~~2014~~ 2019. Each district which initiated,  
11 by a vote of the board of directors or jointly by the affected  
12 boards, action to bring about a reorganization or dissolution  
13 to take effect on or after July 1, ~~2007~~ 2015, and on or before  
14 July 1, ~~2014~~ 2019, shall certify the date and the nature of  
15 the action taken to the department of education by January 1  
16 of the year in which the reorganization or dissolution takes  
17 effect. ~~For a reorganization or dissolution that took effect~~  
18 ~~on or after July 1, 2002, and on or before July 1, 2006, the~~  
19 ~~reorganized school district shall continue to receive the~~  
20 ~~benefits of paragraphs "a" and "b" of this subsection for the~~  
21 ~~time specified in those paragraphs.~~

22 Sec. 2. Section 257.11, subsection 2, paragraph c, Code  
23 2014, is amended to read as follows:

24 c. Pupils attending class for all or a substantial portion  
25 of a school day pursuant to a whole grade sharing agreement  
26 executed under sections 282.10 through 282.12 shall be eligible  
27 for supplementary weighting pursuant to this subsection, and  
28 the amount generated by the weighting shall be paid following  
29 a reorganization or a dissolution that occurs on or before  
30 July 1, 2019. A school district ~~which executes a whole grade~~  
31 ~~sharing agreement and which adopts a resolution jointly with~~  
32 ~~other affected boards to study the question of undergoing a~~  
33 ~~reorganization or dissolution to take effect that successfully~~  
34 reorganizes or dissolves on or before July 1, ~~2014~~ 2019, shall  
35 receive a weighting of one-tenth of the percentage of the

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1 pupil's school day during which the pupil attends classes  
2 in another district, attends classes taught by a teacher  
3 who is jointly employed under section 280.15, or attends  
4 classes taught by a teacher who is employed by another school  
5 district in the year immediately preceding reorganization or  
6 dissolution. A district shall be eligible for supplementary  
7 weighting pursuant to this paragraph "c" ~~for a maximum of~~  
8 ~~three not more than the equivalent of five years, beginning~~  
9 ~~with the year in which the school district's reorganization~~  
10 ~~or dissolution takes effect. Receipt of supplementary~~  
11 ~~weighting for a second and third year shall be conditioned~~  
12 ~~upon submission of information resulting from the study to the~~  
13 ~~school budget review committee indicating progress toward the~~  
14 ~~objective of reorganization on or before July 1, 2014. The~~  
15 newly reorganized school district, or the receiving district  
16 in the case of a dissolution, has the option of receiving the  
17 supplementary weighting equally over five budget years or of  
18 receiving the total of the supplementary weighting in the  
19 budget year in which the school district's reorganization or  
20 dissolution takes effect.

21 Sec. 3. Section 257.11, subsection 5, Code 2014, is amended  
22 by striking the subsection.

23 Sec. 4. REPEAL. Section 257.11A, Code 2014, is repealed.

24 EXPLANATION

25 The inclusion of this explanation does not constitute agreement with  
26 the explanation's substance by the members of the general assembly.

27 This bill makes changes relating to certain incentives for  
28 school district reorganization or dissolution, and strikes  
29 obsolete language relating to supplementary weighting for  
30 students attending classes in a regional academy.

31 The bill provides for a reduced uniform levy as an incentive  
32 for school districts that reorganized prior to July 1, 2015,  
33 allowing school districts to utilize the incentive if they  
34 reorganize on or before July 1, 2019. Obsolete language,  
35 providing for a reduced uniform levy or reorganization or

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1 dissolution that took effect between July 1, 2002, and July 1,  
2 2006, is stricken.

3 The bill also allows school districts that execute a whole  
4 grade sharing agreement and adopt a resolution to study the  
5 effect of undergoing a reorganization or dissolution to take  
6 effect on or before July 1, 2019, to receive a weighting of  
7 one-tenth of a percentage of a student's school day during  
8 which the student attends classes in another district, is  
9 taught by a teacher jointly employed, or attends classes taught  
10 by a teacher employed by another district. This supplementary  
11 weighting is available for not more than five years, beginning  
12 with the year in which the reorganization or dissolution takes  
13 effect.

14 The reorganized district, or the receiving district in  
15 the case of a dissolution, has the option of receiving the  
16 supplementary weighting equally over five budget years or in  
17 the budget year in which the reorganization dissolution takes  
18 effect.

19 The bill repeals a provision that provides for supplementary  
20 weighting funding for three years for a reorganized school  
21 district in an amount that is equal to the funding that it  
22 received in the year preceding the effective date of its  
23 reorganization.



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**Senate Study Bill 3047 - Introduced**

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED BOARD OF  
EDUCATIONAL EXAMINERS BILL)

**A BILL FOR**

1 An Act relating to school employees and the duties and  
2 responsibilities of the board of educational examiners, and  
3 providing penalties.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5199DP (12) 85  
kh/rj



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S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 Section 1. Section 272.1, Code 2014, is amended by adding  
2 the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. As used in this chapter, unless  
4 the context otherwise requires:

5 Sec. 2. Section 272.1, subsections 3 and 5, Code 2014, are  
6 amended to read as follows:

7 3. "*Certificate*" means limited recognition to perform  
8 instruction and instruction-related duties in school, other  
9 than those duties for which practitioners are licensed. A  
10 ~~certificate is nonexclusive recognition and does not confer the~~  
11 ~~exclusive authority of a license.~~

12 5. "*License*" means the authority that is given to allow a  
13 person to legally serve as a practitioner, education provider,  
14 or school employee, or as a school, an institution, or a course  
15 of study to legally offer professional development programs,  
16 other than those programs offered by practitioner preparation  
17 schools, institutions, courses of study, or area education  
18 agencies. A license is the exclusive authority to perform  
19 these functions. "*License*" includes a certificate, statement of  
20 professional recognition, or authorization issued under this  
21 chapter.

22 Sec. 3. Section 272.1, Code 2014, is amended by adding the  
23 following new subsection:

24 NEW SUBSECTION. 12A. "*School employee*" means an employee  
25 of a school.

26 Sec. 4. Section 272.2, subsection 1, Code 2014, is amended  
27 to read as follows:

28 1. a. License practitioners, education providers, and  
29 school employees, which includes the authority to establish  
30 criteria for the licenses; establish issuance and renewal  
31 requirements; create application and renewal forms; create  
32 licenses that authorize different instructional functions  
33 or specialties; develop a code of professional rights and  
34 responsibilities, practices, and ethics, which shall, among  
35 other things, address the failure of a practitioner to fulfill



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1 contractual obligations under section 279.13; and develop any  
2 other classifications, distinctions, and procedures which may  
3 be necessary to exercise licensing duties. In addressing the  
4 failure of a practitioner to fulfill contractual obligations,  
5 the board shall consider factors beyond the practitioner's  
6 control.

7     **b.** Provide annually to any person who holds a license,  
8 ~~certificate, authorization, or statement of recognition~~  
9 issued by the board, training relating to the knowledge and  
10 understanding of the board's code of professional conduct and  
11 ethics. The board shall develop a curriculum that addresses  
12 the code of professional conduct and ethics and shall annually  
13 provide regional training opportunities throughout the state.

14     Sec. 5. Section 272.2, subsection 4, Code 2014, is amended  
15 to read as follows:

16     4. Enforce rules adopted by the board through revocation  
17 or suspension of a license, or by other disciplinary action  
18 against a ~~practitioner~~ person or professional development  
19 program licensed by the board of educational examiners. The  
20 board shall designate who may or shall initiate a licensee  
21 disciplinary investigation and a licensee disciplinary  
22 proceeding, and who shall prosecute a disciplinary proceeding  
23 and under what conditions, and shall state the procedures for  
24 review by the board of findings of fact if a majority of the  
25 board does not hear the disciplinary proceeding. However, in  
26 a case alleging failure of a ~~practitioner~~ person to fulfill  
27 contractual obligations, the person who files a complaint with  
28 the board, or the complainant's designee, shall represent the  
29 complainant in a disciplinary hearing conducted in accordance  
30 with this chapter.

31     Sec. 6. Section 272.2, subsection 14, paragraphs a and d,  
32 Code 2014, are amended to read as follows:

33     **a.** The board may deny a license to or revoke the license  
34 of a person upon the board's finding by a preponderance of  
35 evidence that either the person has been convicted of a crime

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1 or that there has been a founded report of child abuse against  
2 the person. Rules adopted in accordance with this paragraph  
3 shall provide that in determining whether a person should be  
4 denied a license or that a ~~practitioner's~~ person's license  
5 should be revoked, the board shall consider the nature and  
6 seriousness of the founded abuse or crime in relation to  
7 the position sought, the time elapsed since the crime was  
8 committed, the degree of rehabilitation which has taken place  
9 since the incidence of founded abuse or the commission of  
10 the crime, the likelihood that the person will commit the  
11 same abuse or crime again, and the number of founded abuses  
12 committed by or criminal convictions of the person involved.

13 *d.* An applicant for a license ~~or certificate~~ under this  
14 chapter shall demonstrate that the requirements of the license  
15 ~~or certificate~~ have been met and the burden of proof shall be  
16 on the applicant.

17 Sec. 7. Section 272.2, subsection 17, Code 2014, is amended  
18 to read as follows:

19 17. Adopt rules to require that a background investigation  
20 be conducted by the division of criminal investigation of the  
21 department of public safety on ~~all initial~~ applicants for  
22 ~~licensure~~ a license or renewal of a license. The board shall  
23 also require all initial applicants to submit a completed  
24 fingerprint packet and shall use the packet to facilitate a  
25 national criminal history background check. The board shall  
26 have access to, and shall review the sex offender registry  
27 information under section 692A.121 available to the general  
28 public, the central registry for child abuse information  
29 established under chapter 235A, and the dependent adult abuse  
30 records maintained under chapter 235B for information regarding  
31 applicants for a license or renewal of a license. An applicant  
32 for a license or renewal of a license issued pursuant to  
33 section 272.31, subsection 3A, is exempt from rules adopted  
34 pursuant to this subsection.

35 Sec. 8. Section 272.15, subsection 1, paragraph a,



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1 subparagraph (1), unnumbered paragraph 1, Code 2014, is amended  
2 to read as follows:

3     The board of directors of a school district or area education  
4 agency, the superintendent of a school district, the chief  
5 administrator of an area education agency, and the authorities  
6 in charge of an accredited nonpublic school shall report to  
7 the board any instance of disciplinary action taken against  
8 a ~~licensed~~ school employee by the board of directors of the  
9 school district or area education agency, the superintendent  
10 of the school district, the chief administrator of the  
11 area education agency, or the authorities in charge of the  
12 accredited nonpublic school for conduct constituting any of the  
13 following:

14     Sec. 9. Section 272.15, subsection 1, paragraph a,  
15 subparagraph (2), Code 2014, is amended to read as follows:

16     (2) The board of directors of a school district or area  
17 education agency, the superintendent of a school district,  
18 the chief administrator of an area education agency, and  
19 the authorities in charge of an accredited nonpublic school  
20 shall report to the board the nonrenewal or termination, for  
21 reasons of alleged or actual misconduct, of a person's contract  
22 executed under sections 279.12, 279.13, 279.15 through 279.21,  
23 279.23, and 279.24, and the resignation of a person who holds  
24 a ~~license, certificate, or authorization~~ issued by the board,  
25 as a result of or following an incident or allegation of  
26 misconduct that, if proven, would constitute a violation of  
27 the rules adopted by the board to implement section 272.2,  
28 subsection 14, paragraph "b", subparagraph (1); soliciting,  
29 encouraging, or consummating a romantic or otherwise  
30 inappropriate relationship with a student; falsifying student  
31 grades, test scores, or other official information or material;  
32 or converting public property or funds to the personal use of  
33 the school employee, when the board or reporting official has a  
34 good faith belief that the incident occurred or the allegation  
35 is true. The board may deny a license or revoke the license

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1 of an administrator if the board finds by a preponderance  
2 of the evidence that the administrator failed to report the  
3 termination or resignation of a school employee holding a  
4 ~~license, certificate, statement of professional recognition,~~  
5 ~~or coaching authorization,~~ for reasons of alleged or actual  
6 misconduct, as defined by this section.

7 Sec. 10. Section 272.31, Code 2014, is amended by adding the  
8 following new subsection:

9 NEW SUBSECTION. 3A. The board shall issue a school employee  
10 authorization to a school employee who is not otherwise  
11 issued a license, certificate, or statement of professional  
12 recognition under this chapter, or an authorization under  
13 subsection 1, 2, or 3.

14 Sec. 11. Section 709.15, subsection 1, paragraph f, Code  
15 2014, is amended to read as follows:

16 *f.* *"School employee"* means ~~a practitioner as defined in~~  
17 ~~section 272.1~~ an individual issued a license, certificate,  
18 statement of professional recognition, or authorization under  
19 chapter 272.

20 EXPLANATION

21 The inclusion of this explanation does not constitute agreement with  
22 the explanation's substance by the members of the general assembly.

23 This bill requires the board of educational examiners  
24 to issue an authorization to school employees who are not  
25 currently under the purview of the board, and provides that  
26 the board's code of professional rights and responsibilities,  
27 practices, and ethics applies to any person who holds  
28 a license, certificate, authorization, or statement of  
29 professional recognition issued by the board. The board will  
30 be required to provide such employees with training relating to  
31 the board's code.

32 The bill amends the definition of "license" by providing  
33 that the definition means the authority given to allow a person  
34 to legally serve as a practitioner, education provider, or  
35 school employee, and further adds that "license" includes

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1 a certificate, statement of professional recognition, or  
2 authorization issued under Code chapter 272.

3 The bill defines "school employee" to mean any employee of a  
4 school district, accredited nonpublic school, or area education  
5 agency. The bill makes corresponding changes relating to the  
6 adoption of the definition throughout the Code chapter.

7 The bill also requires the board to adopt rules to require  
8 a background investigation by the division of criminal  
9 investigation of the department of public safety on any  
10 applicant for a license and any applicant seeking to renew a  
11 license. Current law requires the background check only on  
12 initial applicants for licensure. The bill exempts from such  
13 rules applicants for a school employee authorization or renewal  
14 of that authorization.

15 The bill also broadens Code language establishing reporting  
16 and complaint requirements relating to disciplinary actions,  
17 and reports of nonrenewal of contract, or termination or  
18 resignation of an employee for reasons of alleged or actual  
19 misconduct, by school districts, schools, and area education  
20 agencies and their administrators, to cover all school  
21 employees, not just licensed employees or those employees  
22 currently holding certificates or authorizations.

23 The bill also amends the definition of "school employee"  
24 used for purposes of the Code provision that establishes  
25 criminal penalties for sexual exploitation by a school  
26 employee. The bill broadens the definition to include not just  
27 a practitioner but any individual to whom the board issues a  
28 license, certificate, statement of professional recognition,  
29 or authorization. This broadening of the offense of sexual  
30 exploitation results in making school employees subject to the  
31 sex offender registry, but does not classify the offense as a  
32 forcible felony. Under the bill, a school employee who commits  
33 sexual exploitation in violation of Code section 709.15(5)  
34 commits either an aggravated misdemeanor, which is punishable  
35 by confinement for no more than two years and a fine of at least

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1 \$625 but not more than \$6,250; or a class "D" felony, which is  
2 punishable by confinement for no more than five years and a  
3 fine of at least \$750 but not more than \$7,500.



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**Senate Study Bill 3048 - Introduced**

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON EDUCATION BILL BY  
CHAIRPERSON QUIRMBACH)

**A BILL FOR**

1 An Act relating to required core curriculum and twenty-first  
2 century learning skills addressed in rules adopted by the  
3 state board of education.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 256.7, subsection 26, paragraph a,  
2 subparagraph (3), Code 2014, is amended to read as follows:  
3 (3) The rules establishing a core curriculum shall address  
4 the core content standards in subsection 28 and the skills and  
5 knowledge students need to be successful in the twenty-first  
6 century and shall address the curricular needs of students  
7 in kindergarten through grade twelve in those areas. The  
8 core curriculum shall include ~~social studies and~~ twenty-first  
9 century learning skills which shall include but are not limited  
10 to the following:  
11 (a) Social studies, civic literacy, health literacy,  
12 technology literacy, financial literacy, and employability  
13 ~~skills; and shall address the curricular needs of students~~  
14 ~~in kindergarten through grade twelve in those areas. The~~  
15 ~~department shall further define the twenty-first century~~  
16 ~~learning skills components by rule.~~  
17 (b) Music, visual art, drama and theater, and other fine  
18 and applied arts. The department shall employ a consultant  
19 to oversee the development of and compliance with the fine  
20 arts core curriculum and to provide guidance for professional  
21 development programs, strategies, and materials based on the  
22 rules adopted by the board pursuant to this subparagraph  
23 division.  
24 Sec. 2. STATE MANDATE FUNDING SPECIFIED. In accordance with  
25 Code section 25B.2, subsection 3, the state cost of requiring  
26 compliance with any state mandate included in this Act shall  
27 be paid by a school district from state school foundation aid  
28 received by the school district under Code section 257.16.  
29 This specification of the payment of the state cost shall be  
30 deemed to meet all of the state funding-related requirements  
31 of Code section 25B.2, subsection 3, and no additional state  
32 funding shall be necessary for the full implementation of this  
33 Act by and enforcement of this Act against all affected school  
34 districts.

35

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1           The inclusion of this explanation does not constitute agreement with  
2           the explanation's substance by the members of the general assembly.

3       This bill modifies the required core curriculum and  
4 twenty-first century learning skills and knowledge that the  
5 state board of education is required to address in rule.

6       Currently, the required core curriculum includes English or  
7 language arts, mathematics, science, and social studies; and  
8 the necessary twenty-first century learning skills include but  
9 are not limited to civic literacy, health literacy, technology  
10 literacy, financial literacy, and employability skills. The  
11 bill requires that such core curriculum and twenty-first  
12 century learning skills include music, visual art, drama and  
13 theater, and other fine and applied arts. The bill also  
14 requires the department to employ a consultant to oversee  
15 the development of and compliance with the fine arts core  
16 curriculum and to provide guidance for professional development  
17 programs, strategies, and materials based on the rules relating  
18 to the fine arts core curriculum and the twenty-first century  
19 fine arts learning skills adopted by the board.

20       The bill may include a state mandate as defined in Code  
21 section 25B.3. The bill requires that the state cost of  
22 any state mandate included in the bill be paid by a school  
23 district from state school foundation aid received by the  
24 school district under Code section 257.16. The specification  
25 is deemed to constitute state compliance with any state mandate  
26 funding-related requirements of Code section 25B.2. The  
27 inclusion of this specification is intended to reinstate the  
28 requirement of political subdivisions to comply with any state  
29 mandates included in the bill.



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**Senate Study Bill 3049 - Introduced**

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED IOWA FINANCE  
AUTHORITY BILL)

**A BILL FOR**

1 An Act concerning the Iowa finance authority in regard to the  
2 title guaranty program and private activity boards.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5186XD (5) 85  
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1 DIVISION I  
2 TITLE GUARANTY  
3 Section 1. Section 16.1, subsection 1, paragraph af,  
4 subparagraph (7), Code 2014, is amended to read as follows:  
5 (7) The Iowa title guaranty program.  
6 Sec. 2. Section 16.2A, subsection 1, Code 2014, is amended  
7 to read as follows:  
8 1. A title guaranty division is created within the  
9 authority. The division may also be referred to as Iowa title  
10 guaranty. The powers of the division relating to the issuance  
11 of title guaranties are vested in and shall be exercised by  
12 a division board of five members appointed by the governor  
13 subject to confirmation by the senate. The membership of  
14 the board shall include an attorney, an abstractor, a real  
15 estate broker, a representative of a mortgage lender, and  
16 a representative of the housing development industry. The  
17 executive director of the authority shall appoint an attorney  
18 as director of the title guaranty division, who shall serve  
19 as an ex officio member of the board. The appointment of and  
20 compensation for the division director are exempt from the  
21 merit system provisions of chapter 8A, subchapter IV.  
22 Sec. 3. Section 16.91, subsections 1, 3, and 4, Code 2014,  
23 are amended to read as follows:  
24 1. The authority through the title guaranty division shall  
25 initiate and operate a program in which the division shall  
26 offer guaranties of real property titles in this state. The  
27 terms, conditions, and form of the guaranty contract shall be  
28 forms approved by the division board. The division shall fix  
29 a charge for the guaranty in an amount sufficient to permit  
30 the program to operate on a self-sustaining basis, including  
31 payment of administrative costs and the maintenance of an  
32 adequate reserve against claims under the Iowa title guaranty  
33 program. A title guaranty fund is created in the office of  
34 the treasurer of state. Funds collected under this program  
35 shall be placed in the title guaranty fund and are available

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1 to pay all claims, necessary reserves and all administrative  
2 costs of the Iowa title guaranty program. Moneys in the fund  
3 shall not revert to the general fund and interest on the  
4 moneys in the fund shall be deposited in the housing trust  
5 fund established in section 16.181 and shall not accrue to the  
6 general fund. If the authority board in consultation with the  
7 division board determines that there are surplus funds in the  
8 title guaranty fund after providing for adequate reserves and  
9 operating expenses of the division, the surplus funds shall be  
10 transferred to the housing assistance fund created pursuant to  
11 section 16.40.

12 3. With the approval of the authority board the division  
13 and its board shall consult with the insurance division of  
14 the department of commerce in developing a guaranty contract  
15 acceptable to the secondary market and developing any other  
16 feature of the program with which the insurance division may  
17 have special expertise. The insurance division shall establish  
18 the amount for a loss reserve fund. Except as provided in this  
19 subsection, the Iowa title guaranty program is not subject to  
20 the jurisdiction of or regulation by the insurance division or  
21 the commissioner of insurance.

22 4. Each participating attorney and abstractor may be  
23 required to pay an annual participation fee to be eligible to  
24 participate in the Iowa title guaranty program. The fee, if  
25 any, shall be set by the division, subject to the approval of  
26 the authority.

27 Sec. 4. Section 16.91, subsection 5, paragraph a,  
28 subparagraph (2), Code 2014, is amended to read as follows:

29 (2) Additionally, each participating abstractor is required  
30 to own or lease, and maintain and use in the preparation of  
31 abstracts, an up-to-date abstract title plant including tract  
32 indices for real estate for each county in which abstracts are  
33 prepared for real property titles guaranteed by the division.  
34 The tract indices shall contain a reference to all instruments  
35 affecting the real estate which are recorded in the office of

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1 the county recorder, and shall commence not less than forty  
2 years prior to the date the abstractor commences participation  
3 in the Iowa title guaranty program. However, a participating  
4 attorney providing abstract services continuously from November  
5 12, 1986, to the date of application, either personally or  
6 through persons under the attorney's supervision and control is  
7 exempt from the requirements of this subparagraph.

8 Sec. 5. Section 16.91, subsection 8, Code 2014, is amended  
9 to read as follows:

10 8. The authority shall adopt rules pursuant to chapter 17A  
11 that are necessary for the implementation of the Iowa title  
12 guaranty program as established by the division and that have  
13 been approved by the authority.

14 Sec. 6. Section 16.92, subsection 1, paragraph i, Code 2014,  
15 is amended to read as follows:

16 *i. "Participating abstractor" means an abstractor*  
17 *participating in the Iowa title guaranty program.*

18 Sec. 7. Section 447.13, subsection 1, Code 2014, is amended  
19 to read as follows:

20 1. The cost of serving the notice, including the cost of  
21 sending certified mail notices, and the cost of publication  
22 under section 447.10, if publication is required, shall be  
23 added to the amount necessary to redeem. The cost of a record  
24 search shall also be added to the amount necessary to redeem.  
25 However, if the certificate holder is other than a county, the  
26 search must be performed by an abstractor who is an active  
27 participant in the Iowa title guaranty program under section  
28 16.91 or by an attorney licensed to practice law in the state  
29 of Iowa, and the amount of the cost of the record search that  
30 may be added to the amount necessary to redeem shall not exceed  
31 three hundred dollars.

32 DIVISION II

33 PRIVATE ACTIVITY BOND ALLOCATIONS

34 Sec. 8. Section 7C.4A, subsection 7, paragraph a, Code 2014,  
35 is amended to read as follows:

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1     a. The amount of the state ceiling which is not otherwise  
2 allocated under subsections 1 through 5, and after June 30,  
3 the amount of the state ceiling reserved under subsection 6  
4 and not allocated, shall be allocated to all bonds requiring  
5 an allocation under section 146 of the Internal Revenue Code  
6 without priority for any type of bond over another, except  
7 as otherwise provided in sections 7C.5 and 7C.11. A single  
8 ~~project allocated a portion of the state ceiling pursuant to~~  
9 ~~this subsection shall not receive an allocation in excess of~~  
10 ~~ten million dollars in any calendar year.~~

11	EXPLANATION
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12           The inclusion of this explanation does not constitute agreement with  
13           the explanation's substance by the members of the general assembly.

14 This bill concerns the Iowa finance authority.

15 Division I renames the title guaranty program as the Iowa  
16 title guaranty program. The bill also allows the title  
17 guaranty division to be referred to as Iowa title guaranty.

18 Division II concerns bond activity and the Iowa finance  
19 authority. Code section 7C.4A(7), concerning the allocation of  
20 the state ceiling on bonds which is not otherwise allocated, is  
21 amended to eliminate the \$10 million yearly cap on the amount  
22 any single project may receive from the unused allocation of  
23 the state ceiling on bonds.



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**Senate Study Bill 3050 - Introduced**

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED ECONOMIC  
DEVELOPMENT AUTHORITY BILL)

**A BILL FOR**

1 An Act relating to the administration of the redevelopment tax  
2 credits program by the economic development authority and  
3 including applicability provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 15.291, Code 2014, is amended by adding  
2 the following new subsections:

3 NEW SUBSECTION. 01. "*Abandoned public building*" means a  
4 vertical improvement, as defined in section 15J.1, constructed  
5 for use primarily by a political subdivision of the state for a  
6 public purpose and whose current use is outdated or prevents  
7 a better or more efficient use of the property by the current  
8 owner. "*Abandoned public building*" includes vacant, blighted,  
9 obsolete, or otherwise underutilized property.

10 NEW SUBSECTION. 4A. "*Political subdivision*" means a city,  
11 county, township, or school district.

12 NEW SUBSECTION. 4B. "*Previously remediated or redeveloped*"  
13 means any prior remediation or redevelopment, including  
14 development for which an award of tax credits under this part  
15 has been made.

16 NEW SUBSECTION. 6A. "*Redevelopment tax credits program*"  
17 means the tax credits program administered pursuant to sections  
18 15.293A and 15.293B.

19 Sec. 2. Section 15.291, subsection 3, unnumbered paragraph  
20 1, Code 2014, is amended to read as follows:

21 "*Grayfield site*" means an abandoned public building or an  
22 industrial or commercial property meeting that meets all of the  
23 following requirements:

24 Sec. 3. Section 15.291, subsection 6, Code 2014, is amended  
25 to read as follows:

26 6. "*Qualifying redevelopment project*" means a brownfield or  
27 a grayfield site being redeveloped or improved by the property  
28 owner. "*Qualifying redevelopment project*" does not include a  
29 previously remediated or redeveloped brownfield or grayfield  
30 site.

31 Sec. 4. Section 15.293A, subsection 1, paragraph c, Code  
32 2014, is amended to read as follows:

33 c. (1) Any Except as provided in subparagraph (2), any  
34 tax credit in excess of the taxpayer's liability for the tax  
35 year is not refundable but may be credited to the tax liability



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1 for the following five years or until depleted, whichever is  
2 earlier.

3 (2) A tax credit in excess of the taxpayer's liability for  
4 the tax year is refundable if all of the following conditions  
5 are met:

6 (a) The taxpayer is an investor making application for tax  
7 credits provided in this section and is an entity organized  
8 under chapter 504 and qualifying under section 501(c)(3) of the  
9 Internal Revenue Code as an organization exempt from federal  
10 income tax under section 501(a) of the Internal Revenue Code.

11 (b) The taxpayer establishes during the application  
12 process described in section 15.293B that the requirement in  
13 subparagraph division (a) is satisfied. The authority, when  
14 issuing a certificate to a taxpayer that meets the requirements  
15 in this subparagraph (2), shall indicate on the certificate  
16 that such requirements have been satisfied.

17 (3) A tax credit shall not be carried back to a tax year  
18 prior to the tax year in which the taxpayer first receives the  
19 tax credit.

20 Sec. 5. Section 15.293A, subsection 2, paragraph a, Code  
21 2014, is amended by striking the paragraph.

22 Sec. 6. Section 15.293A, subsection 2, paragraph b,  
23 subparagraph (1), Code 2014, is amended to read as follows:

24 (1) To claim a redevelopment tax credit under this  
25 section, a taxpayer must ~~attach~~ include one or more tax credit  
26 certificates ~~to with~~ with the taxpayer's tax return. A tax credit  
27 certificate shall not be used or ~~attached to~~ included with a  
28 return filed for a taxable year beginning prior to ~~July 1, 2009~~  
29 the tax year listed on the certificate.

30 Sec. 7. Section 15.293A, subsection 3, unnumbered paragraph  
31 1, Code 2014, is amended to read as follows:

32 The amount of the tax credit shall ~~equal one of~~ be determined  
33 by the board in conjunction with the council. However, the tax  
34 credit shall not exceed the following amount, as applicable:

35 Sec. 8. Section 15.293A, subsection 6, Code 2014, is amended

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1 to read as follows:

2 ~~6. For the fiscal year beginning July 1, 2009, the maximum~~  
3 ~~amount of tax credits issued by the authority shall not exceed~~  
4 ~~one million dollars. For each subsequent fiscal year, the~~  
5 The amount of tax credits that may be issued awarded by the  
6 authority board shall be subject to the limitation in section  
7 15.119.

8 Sec. 9. Section 15.293A, subsections 8, 9, 10, 11, 12, and  
9 13, Code 2014, are amended by striking the subsections.

10 Sec. 10. Section 15.293B, Code 2014, is amended to read as  
11 follows:

12 ~~15.293B Approval — requirements — repayment Application —~~  
13 ~~registration — agreement.~~

14 1. a. The authority shall develop a system for the  
15 application, review, registration, and authorization of  
16 projects awarded tax credits pursuant to this part and  
17 shall control the issuance of all tax credit certificates to  
18 investors pursuant to this part.

19 b. The authority shall accept and, in conjunction with  
20 the council, review applications for tax credits pursuant to  
21 provided in section 15.293A and, with the approval of the  
22 council, make tax credit award recommendations regarding the  
23 applications to the board.

24 c. Applications for redevelopment tax credits shall be  
25 accepted during an annual application period established by the  
26 authority.

27 d. Upon review of an application, the authority may  
28 register the project with the redevelopment tax credits  
29 program. If the authority registers the project, the authority  
30 may, in conjunction with the council, make a preliminary  
31 determination as to the amount of tax credit for which an award  
32 recommendation will be made to the board.

33 e. After registering the project, the authority shall notify  
34 the investor of successful registration under the redevelopment  
35 tax credits program. The notification may include the amount



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1 of tax credit for which an award recommendation will be made  
2 to the board. If an award recommendation is included in the  
3 notification, such notification shall include a statement that  
4 the award recommendation is a recommendation only. The amount  
5 of tax credit included on a tax credit certificate issued  
6 pursuant to this section shall be contingent upon an award  
7 by the board and upon completion of the requirements in this  
8 section.

9 f. All completed applications shall be reviewed and scored  
10 on a competitive basis by the council and the board. In  
11 reviewing and scoring applications, the council and the board  
12 may consider any factors the council and board deem appropriate  
13 for a competitive application process, including but not  
14 limited to the financial need, quality, and feasibility of a  
15 qualifying redevelopment project.

16 g. Upon reviewing and scoring all applications that are  
17 part of an annual application period, the board may award tax  
18 credits provided in section 15.293A.

19 h. If the applicant for a tax credit provided in section  
20 15.293A has also applied to an agency of the federal government  
21 or to the authority, the board, or any other agency of state  
22 government for additional financial assistance, the authority,  
23 the council, and the board shall consider the amount of funding  
24 to be received from such public sources when making a tax  
25 credit award pursuant to this section.

26 i. An applicant that is unsuccessful in receiving a tax  
27 credit award during an annual application period may make  
28 additional applications during subsequent annual application  
29 periods. Such applicants shall be required to submit a new  
30 application and shall be competitively reviewed and scored in  
31 the same manner as other applicants in that annual application  
32 period.

33 2. An investor applying for a tax credit shall provide the  
34 authority with all of the following:

35 a. Information showing the total costs of the qualifying

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1 redevelopment project, including the costs of land acquisition,  
2 cleanup, and redevelopment.

3     b. Information about the financing sources of the investment  
4 which are directly related to the qualifying redevelopment  
5 project for which the taxpayer investor is seeking approval for  
6 a tax credit, as provided in section 15.293A.

7     c. Any other information deemed necessary by the board and  
8 the council to review and score the application pursuant to  
9 subsection 1.

10     3. If a taxpayer receives an investor is awarded a tax  
11 credit pursuant to section 15.293A, but this section, the  
12 authority and the investor shall enter into an agreement  
13 concerning the qualifying redevelopment project. If the  
14 investor fails to comply with any of the requirements of the  
15 agreement, the taxpayer loses any right to the tax credit,  
16 and the authority may find the investor in default under the  
17 agreement and may revoke all or a portion of the tax credit  
18 award. The department of revenue, upon notification by the  
19 authority of an event of default, shall seek recovery repayment  
20 of the value of the any such tax credit received already  
21 claimed in the same manner as provided in section 15.330,  
22 subsection 2.

23     4. This section is repealed on June 30, 2021. A registered  
24 project shall be completed within thirty months of the date the  
25 project was registered unless the authority provides additional  
26 time to complete the project. A project shall not be provided  
27 more than twelve months of additional time. If the registered  
28 project is not completed within the time required, the project  
29 is not eligible to claim a tax credit provided in section  
30 15.293A.

31     5. a. Upon completion of a registered project, an audit  
32 of the project, completed by an independent certified public  
33 accountant licensed in this state, shall be submitted to the  
34 authority.

35     b. Upon review of the audit and verification of the amount



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1 of the qualifying investment, the authority may issue a tax  
2 credit certificate to the investor stating the amount of tax  
3 credit under section 15.293A the investor may claim.

4 6. The authority, in conjunction with the department of  
5 revenue, shall adopt rules to administer the redevelopment tax  
6 credits program.

7 Sec. 11. Section 15.294, subsection 4, Code 2014, is amended  
8 to read as follows:

9 4. The council, in conjunction with the authority, shall  
10 consider applications for redevelopment tax credits ~~as~~  
11 ~~described provided in sections~~ section 15.293A and 15.293B,  
12 and may recommend to the authority which applications to  
13 approve and the amount of such tax credits that each project ~~is~~  
14 eligible to receive should be awarded by the board.

15 Sec. 12. APPLICABILITY. This Act applies to qualifying  
16 redevelopment projects for which a redevelopment tax credit  
17 is awarded on or after the effective date of this Act, and  
18 qualifying redevelopment projects for which a redevelopment  
19 tax credit was awarded prior to the effective date of this Act  
20 shall be governed by sections 15.291, 15.293A, and 15.293B,  
21 Code 2014.

22 EXPLANATION

23 The inclusion of this explanation does not constitute agreement with  
24 the explanation's substance by the members of the general assembly.

25 This bill makes several changes to the redevelopment tax  
26 credits program administered by the economic development  
27 authority (EDA).

28 The bill defines the "redevelopment tax credits program"  
29 to be the tax credits program administered pursuant to Code  
30 sections 15.293A and 15.293B.

31 The bill affects the qualification of redevelopment projects  
32 under the redevelopment tax credits program (program) by  
33 amending the definition of "grayfield site" to include an  
34 abandoned public building, and by specifying that a previously  
35 remediated or redeveloped brownfield site, which does not

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1 qualify for the program, means any prior remediation or  
2 redevelopment, including redevelopment for which an award of  
3 tax credits has been made under the program. "Abandoned public  
4 building" and related terms are defined in the bill.

5 The bill amends the tax credit application and award  
6 process. The bill provides that tax credit applications shall  
7 be accepted by the EDA during an annual application period  
8 established by the EDA. After an application is received, the  
9 EDA may register the project under the program and may make a  
10 preliminary determination as to the amount of tax credit for  
11 which an award recommendation will be made to the economic  
12 development authority board (board). The EDA then notifies  
13 the investor of successful registration and, if applicable,  
14 the amount of tax credit for which an award recommendation  
15 will be made to the board. All applications that are part of  
16 that annual application period are required to be reviewed and  
17 scored on a competitive basis by the brownfield redevelopment  
18 advisory council (council) and the board. In reviewing and  
19 scoring applications, the council and the board are allowed to  
20 consider any factors they deem appropriate for a competitive  
21 application process, including but not limited to the financial  
22 need, quality, and feasibility of a project.

23 The bill provides that if an applicant is unsuccessful in  
24 receiving a tax credit award from the board during one annual  
25 application period, the applicant may apply in a subsequent  
26 annual application period provided the applicant submits a new  
27 application and is competitively reviewed and scored in the  
28 same manner as other applicants in that annual application  
29 period.

30 The bill requires a tax credit application to include any  
31 information deemed necessary by the board and the council to  
32 appropriately review and score the application, in addition to  
33 the information already required under Iowa law relating to the  
34 project's total costs and financing sources. The bill strikes  
35 language requiring the EDA to maintain a wait list for tax



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1 credits.

2 The bill strikes the provision requiring that if a  
3 redevelopment tax credit recipient has also applied to the  
4 state for additional financial assistance, the state shall not  
5 consider the receipt of the tax credit when considering the  
6 application for additional financial assistance and instead  
7 provides that if a redevelopment tax credit applicant also  
8 applies to a federal or state agency for additional financial  
9 assistance, the EDA and the board shall consider the amount  
10 of funding from these public sources when making a tax credit  
11 award.

12 The bill amends the amount of the tax credit. Under  
13 current law, the amount of the tax credit is equal to a certain  
14 percentage of the investor's qualifying investment depending  
15 on whether the project is located on a grayfield site or a  
16 brownfield site and whether or not the project meets green  
17 development requirements. The bill provides that the amount  
18 of the tax credit shall be an amount determined by the board  
19 in conjunction with the council, but shall not exceed those  
20 percentages already provided under current law. The bill  
21 provides that the amount of tax credit included on a tax credit  
22 certificate shall be contingent on an award by the board, and  
23 on the completion of an audit of the project which audit is  
24 already required under Iowa law.

25 The bill requires agreements under the program. An investor  
26 awarded tax credits is required to enter into an agreement  
27 with the EDA concerning the qualifying redevelopment project.  
28 The bill amends language relating to a taxpayer's loss of  
29 any right to a tax credit for failure to comply with any  
30 requirements, to specify that if an investor fails to comply  
31 with any requirements of the agreement, the authority may find  
32 the investor in default and revoke all or a portion of the  
33 tax credit award. If recovery of a claimed tax credit by the  
34 department of revenue (DOR), as required under current law,  
35 is necessary for failure to maintain the requirements of an



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1 agreement, the bill provides that such recovery shall be in  
2 the same manner as provided in Code section 15.330, subsection  
3 2, which relates to the recovery of incentives under the high  
4 quality jobs program.

5 The bill amends the process of claiming the tax credits  
6 by allowing the currently nonrefundable tax credits to be  
7 refundable, but only to nonprofit organizations under certain  
8 conditions. In order for tax credits to qualify as refundable,  
9 a nonprofit organization must be an investor applying for  
10 the tax credits, must be organized under Code chapter 504,  
11 must qualify as a tax-exempt organization under section  
12 501(c)(3) of the Internal Revenue Code, and must establish  
13 these requirements during the tax credit application process.  
14 The EDA will be required to indicate on the tax credit  
15 certificate issued to these nonprofit organizations that such  
16 requirements have been met. The bill requires that a taxpayer  
17 include, rather than attach, a tax credit certificate with the  
18 taxpayer's tax return. The bill amends the requirement that  
19 tax credits shall not be claimed for taxable years beginning  
20 prior to July 1, 2009, to require that tax credits shall not  
21 be claimed prior to the tax year listed on the tax credit  
22 certificate.

23 The bill strikes Code section 15.293A, subsections 10 and  
24 11, relating to the adoption of administrative rules by the  
25 EDA and the DOR, and the EDA's cooperation with the department  
26 of natural resources and local governments regarding the  
27 dissemination of information about the program. The bill  
28 requires the authority, in conjunction with the department  
29 of revenue, to adopt rules to administer the program. The  
30 bill transfers to Code section 15.293B the language from  
31 Code section 15.293A, subsection 8, relating to the deadline  
32 for completing registered projects, and amends part of that  
33 language referencing the project's approval date to instead  
34 reference the date upon which the project was registered.

35 The bill amends the duties and powers of the council to



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1 provide that it may recommend to the EDA the amount of tax  
2 credits that a redevelopment project should be awarded, instead  
3 of the amount of tax credits that a redevelopment project is  
4 eligible to receive.

5 Finally, the bill removes the automatic repeal date of the  
6 program, which under current law is set to expire on June 30,  
7 2021.

8 The bill applies to qualifying redevelopment projects for  
9 which a redevelopment tax credit is awarded on or after the  
10 effective date of the bill. The bill provides that qualifying  
11 redevelopment projects for which a redevelopment tax credit  
12 was awarded prior to the effective date of the bill shall be  
13 governed by current law.



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**Senate Study Bill 3051 - Introduced**

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED ECONOMIC  
DEVELOPMENT AUTHORITY BILL)

**A BILL FOR**

1 An Act relating to the administration of the Iowa reinvestment  
2 Act.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 15J.4, subsection 3, paragraph a, Code  
2 2014, is amended to read as follows:

3 a. (1) The municipality shall submit a copy of the  
4 resolution, the proposed district plan, and all accompanying  
5 materials adopted pursuant to this section to the board for  
6 evaluation.

7 (2) The board shall not approve a proposed district plan  
8 ~~or~~ on or after July 1, 2018. The board shall not approve  
9 an amendment to an existing district's plan on or after July  
10 1, 2018, if the amendment would add a new project. On or  
11 after July 1, 2018, the board may approve an amendment to a  
12 district's plan only if the amendment removes a project or  
13 reallocates previously approved project funding.

14 Sec. 2. Section 15J.4, subsection 5, Code 2014, is amended  
15 to read as follows:

16 5. A Except as otherwise provided in subsection 3, paragraph  
17 "a", a municipality may amend the district plan to add or modify  
18 projects. However, a proposed modification to a project and  
19 each project proposed to be added shall first be approved by  
20 the board in the same manner as provided for the original plan.  
21 In no case, however, shall an amendment to the district plan  
22 result in the extension of the commencement date established  
23 by the board. If a district plan is amended to add or modify  
24 a project, the municipality shall amend the ordinance, if  
25 necessary, to reflect any changes to the financial information  
26 required to be included under subsection 4.

27 EXPLANATION

28 The inclusion of this explanation does not constitute agreement with  
29 the explanation's substance by the members of the general assembly.

30 2013 Iowa Acts, chapter 119, established the Iowa  
31 Reinvestment Act in Code chapter 15J. The Iowa Reinvestment Act  
32 authorizes municipalities to establish reinvestment districts  
33 and receive remittances of specified amounts of state sales  
34 tax and state hotel and motel tax revenues collected in those  
35 districts for use in undertaking projects in the district.

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1 Eligible municipalities must seek approval from the economic  
2 development authority board to establish a reinvestment  
3 district.

4     This bill amends provisions relating to the economic  
5 development authority board's authority to approve amendments  
6 to a reinvestment district's plan. The bill provides that on  
7 or after July 1, 2018, the board is prohibited from approving  
8 an amendment to a district's plan if the amendment adds a  
9 new project. The bill allows the board, on or after July 1,  
10 2018, to approve an amendment to a district's plan only if the  
11 amendment removes a project or reallocates previously approved  
12 project funding.



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**Senate Study Bill 3052 - Introduced**

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED GOVERNOR BILL)

**A BILL FOR**

1 An Act relating to the administration of the job training  
2 program and fund by the economic development authority and  
3 making an appropriation.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. SHORT TITLE. This Act shall be known and may be  
2 cited as the "Iowa Apprenticeship and Job Training Act".  
3 Sec. 2. Section 15.108, subsection 6, paragraph a, Code  
4 2014, is amended to read as follows:  
5 a. Coordinate and perform the duties specified under the  
6 Iowa industrial new jobs training Act in chapter 260E, the  
7 Iowa ~~jobs~~ job training Act in chapter 260F, and the workforce  
8 development fund in section 15.341.  
9 Sec. 3. Section 15.343, subsection 2, paragraph a, Code  
10 2014, is amended to read as follows:  
11 a. Projects under chapter 260F. The authority ~~shall~~ may  
12 require a match from all businesses participating in a ~~training~~  
13 project under chapter 260F.  
14 Sec. 4. Section 15.343, subsection 3, Code 2014, is amended  
15 by striking the subsection and inserting in lieu thereof the  
16 following:  
17 3. a. The authority shall transfer not more than five  
18 million dollars of the moneys in the workforce development  
19 fund to the job training fund established pursuant to section  
20 260F.6.  
21 b. Moneys in the job training fund shall be allocated as  
22 provided in section 260F.6, subsection 3.  
23 Sec. 5. Section 260C.18A, subsection 2, paragraph b, Code  
24 2014, is amended by striking the paragraph and inserting in  
25 lieu thereof the following:  
26 b. Projects that would meet all the requirements of a  
27 project under chapter 260F, whether or not the project is  
28 actually being funded under chapter 260F. The authority may  
29 advise a community college on how a project would be treated  
30 for purposes of chapter 260F.  
31 Sec. 6. Section 260F.1, Code 2014, is amended to read as  
32 follows:  
33 **260F.1 Title.**  
34 This chapter shall be known and may be cited as the "*Iowa*  
35 ~~*Jobs*~~ *Job* *Training Act*".

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1 Sec. 7. Section 260F.2, subsections 1, 5, 6, 8, and 11, Code  
2 2014, are amended to read as follows:

3 1. ~~"Agreement" is the agreement~~ means a contract between  
4 a business and ~~a community college~~ the authority concerning a  
5 project.

6 5. ~~"Eligible business" or "business"~~ means a business  
7 ~~training employees which is engaged in interstate or intrastate~~  
8 ~~commerce for the purpose of manufacturing, processing, or~~  
9 ~~assembling products, conducting research and development,~~  
10 ~~or providing services in interstate commerce, but excludes~~  
11 ~~retail, health, or professional services and which meets~~  
12 ~~the other criteria established by the authority. "Eligible~~  
13 ~~business" does not include a business whose training costs can~~  
14 ~~be economically funded under chapter 260E, a business which~~  
15 ~~closes or substantially reduces its employment base in order~~  
16 ~~to relocate substantially the same operation to another area~~  
17 ~~of the state, or a business which is involved in a strike,~~  
18 ~~lockout, or other labor dispute in Iowa that proposes to~~  
19 train employees as part of a project and that meets all the  
20 conditions of section 260F.3.

21 6. ~~"Employee"~~ means a person currently employed by a an  
22 eligible business or who will be employed upon successful  
23 completion of a project and who is to be trained as part of a  
24 project. However, ~~"employee"~~ does not include a person with  
25 executive responsibilities or a ~~replacement workers who are~~  
26 worker hired as a result of a strike, lockout, or other labor  
27 dispute in Iowa.

28 8. ~~"Participating business"~~ means a business ~~training~~  
29 ~~employees which enters~~ that has entered into an agreement with  
30 ~~the community college.~~

31 11. ~~"Project"~~ means a training arrangement ~~which that is~~  
32 ~~the subject of an agreement entered into between the community~~  
33 ~~college and a business to provide program services. "Projeect"~~  
34 ~~also means an authority-sponsored training arrangement~~  
35 ~~which is sponsored by the authority and administered under~~

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1 ~~sections 260F.6A and 260F.6B~~ and that is primarily focused  
2 on meeting the workforce needs of an eligible business. A  
3 project includes but is not limited to training or retraining  
4 of employees, adult basic education, on-the-job training,  
5 job-related instruction, vocation and skill-assessment services  
6 and testing, tuition and classroom instruction for coursework  
7 at a community college or a regents institution, and training  
8 equipment, supplies, and materials. A project does not include  
9 coursework that will be counted toward an advanced or graduate  
10 degree earned by an employee.

11 Sec. 8. Section 260F.2, Code 2014, is amended by adding the  
12 following new subsections:

13 NEW SUBSECTION. 1A. "Apprentice" means a person who is  
14 at least sixteen years of age, except where a higher minimum  
15 age is required by law, who is employed in an apprenticeship  
16 occupation, and is registered in Iowa with the United States  
17 department of labor, office of apprenticeship.

18 NEW SUBSECTION. 1B. "Apprenticeship occupation" means an  
19 occupation approved for apprenticeship by the United States  
20 department of labor, office of apprenticeship.

21 NEW SUBSECTION. 1C. "Apprenticeship program" means a  
22 program registered with the United States department of  
23 labor, office of apprenticeship, which contains the terms and  
24 conditions for the qualification, recruitment, selection,  
25 employment, and training of apprentices, including the  
26 requirement for a written apprenticeship agreement.

27 NEW SUBSECTION. 1D. "Apprenticeship sponsor" means an  
28 entity operating an apprenticeship program or an entity in  
29 whose name an apprenticeship program is being operated, which  
30 is registered with or approved by the United States department  
31 of labor, office of apprenticeship.

32 NEW SUBSECTION. 2A. "Commencement date" means the date on  
33 which a proposed project is scheduled to begin.

34 NEW SUBSECTION. 5A. "Eligible research and development"  
35 means activities that meet the definition of research

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1 activities under section 422.10 even if the business has not  
2 actually claimed a research activities tax credit.

3 NEW SUBSECTION. 6A. "*Financial assistance*" means assistance  
4 provided only from the funds, rights, and assets legally  
5 available to the authority and includes but is not limited to  
6 assistance in the form of grants, loans, forgivable loans, and  
7 royalty payments.

8 NEW SUBSECTION. 6B. "*Fund*" means the job training fund  
9 created in section 260F.6.

10 NEW SUBSECTION. 7A. "*Lead apprenticeship sponsor*"  
11 means a trade organization, labor organization, employer  
12 association, or other incorporated entity representing a group  
13 of apprenticeship sponsors.

14 NEW SUBSECTION. 11A. "*Providing services in interstate*  
15 *commerce*" means the provision of the majority of a business's  
16 sales to customers located outside of Iowa.

17 Sec. 9. Section 260F.2, subsections 4, 7, 9, and 10, Code  
18 2014, are amended by striking the subsections.

19 Sec. 10. Section 260F.3, Code 2014, is amended by striking  
20 the section and inserting in lieu thereof the following:

21 **260F.3 Eligible business.**

22 To be eligible for financial assistance for a project under  
23 this chapter, a business shall meet all of the following  
24 conditions:

25 1. Is manufacturing, processing, or assembling products  
26 for sale in interstate or intrastate commerce, is conducting  
27 eligible research and development in this state, is engaged  
28 in the business of commercial construction, or is providing  
29 services in interstate commerce.

30 2. Is not a retail business, a health care business, or a  
31 business engaged in the provision of professional services.

32 3. Is proposing training for a project that cannot be  
33 economically funded under the industrial new jobs training  
34 program pursuant to chapter 260E.

35 4. Demonstrates a need for certain job skills not adequately

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1 represented among the business's existing workforce.

2 5. Has not closed or substantially reduced operations in  
3 one area of the state in order to locate substantially the same  
4 operations to another area of the state.

5 6. Is not actively engaged in a strike, lockout, or other  
6 labor dispute in Iowa.

7 7. Is not currently receiving funding as an apprenticeship  
8 sponsor pursuant to section 260F.5. An entity participating  
9 as a member of a lead apprenticeship sponsor is eligible for  
10 purposes of this subsection if the entity has not already  
11 received training funds for an apprentice pursuant to section  
12 260F.5.

13 8. Meets any other conditions as established by the  
14 authority by rule.

15 Sec. 11. NEW SECTION. **260F.4 Financial assistance for an**  
16 **eligible business.**

17 1. *a.* An eligible business may apply to the authority for  
18 financial assistance for a project.

19 *b.* The authority may establish by rule a maximum benefit  
20 amount for any one project and a maximum aggregate benefit  
21 amount that may be awarded to any one eligible business.

22 2. Financial assistance to eligible businesses shall be  
23 provided under the following terms and conditions:

24 *a.* For training that is conducted by community college  
25 faculty or staff, at a community college facility,  
26 and according to a curriculum that complies with  
27 industry-recognized standards, the financial assistance shall  
28 be in the form of a grant or a forgivable loan in an amount  
29 equal to one hundred percent of the cost of the project.

30 *b.* If training in accordance with industry-recognized  
31 standards that results in a portable credential needed for a  
32 skilled trade is not available through a community college  
33 in close proximity to a business, the business can utilize a  
34 statewide industry association to facilitate training that  
35 utilizes industry-recognized standards, resulting in portable



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1 credentials for the specific skilled trade. For this type of  
2 training, the financial assistance shall be in the form of a  
3 grant or a forgivable loan in an amount equal to one hundred  
4 percent of the training costs incurred.

5     *c.* For a project other than one described in paragraph "*a*"  
6 or "*b*", the financial assistance shall be in the form of a loan  
7 in an amount equal to one hundred percent of the cost of the  
8 project to be disbursed initially but with a required future  
9 repayment of fifty percent of the cost of the project at an  
10 interest of zero percent.

11     *d.* Any other terms and conditions typically required by the  
12 authority when providing financial assistance.

13     3. The authority shall deposit all repayments collected  
14 pursuant to this section in the fund and shall make the moneys  
15 available to other eligible businesses for purposes of this  
16 section.

17     4. An eligible business applying for financial assistance  
18 under this section shall provide the following information to  
19 the authority:

20     *a.* A detailed description of the proposed project, an  
21 explanation of how the project would meet the business's  
22 skilled workforce needs, and an assessment regarding the  
23 feasibility of meeting the training needs through a community  
24 college. The authority may require any information reasonably  
25 necessary to determine the necessity, suitability, and  
26 feasibility of the proposed project.

27     *b.* The date or dates on which the proposed project will be  
28 conducted.

29     *c.* The number of employees to be trained and the title and  
30 position description of each employee to be trained.

31     *d.* The estimated cost to the business of the proposed  
32 project.

33     *e.* Any other information the authority reasonably determines  
34 is necessary.

35     5. An eligible business receiving financial assistance





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1 pursuant to this section shall enter into an agreement with  
2 the authority regarding the project. The agreement shall  
3 include all provisions necessary for the implementation of this  
4 section and any provisions the authority typically includes in  
5 a contract for the provision of financial assistance.

6 Sec. 12. NEW SECTION. **260F.5 Financial assistance for an**  
7 **apprenticeship program.**

8 1. *a.* An apprenticeship sponsor or lead apprenticeship  
9 sponsor conducting apprenticeship programs in Iowa for  
10 apprentices who will be employed at Iowa worksites may apply to  
11 the authority for financial assistance under this section.

12 *b.* Financial assistance received by an apprenticeship  
13 sponsor or lead apprenticeship sponsor under this section shall  
14 be used only for the cost of conducting and maintaining an  
15 apprenticeship program.

16 2. The authority shall provide financial assistance to  
17 apprenticeship sponsors or lead apprenticeship sponsors in the  
18 following manner:

19 *a.* By determining the total amount of funding allocated for  
20 purposes of apprenticeship programs pursuant to section 260F.6.

21 *b.* By adding together all of the following:

22 (1) The total number of apprentices trained by all applying  
23 apprenticeship sponsors or lead apprenticeship sponsors during  
24 the most recent training year as calculated on the last day of  
25 the training year.

26 (2) The total number of contact hours that apprenticeship  
27 instructors for all applying apprenticeship sponsors or lead  
28 apprenticeship sponsors spent in contact with apprentices  
29 during the most recent training year. For purposes of  
30 this subparagraph, "*contact hours*" includes the time spent  
31 instructing apprentices in-person or, in the case of a lead  
32 apprenticeship sponsor with programs totaling one hundred or  
33 more total instructional hours, "*contact hours*" includes the  
34 time spent in online training if the total amount of online  
35 instruction does not account for more than thirty percent of

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1 the total instructional hours.

2 *c.* By adding together all of the following:

3 (1) The total number of apprentices trained by a single  
4 applying apprenticeship sponsor or lead apprenticeship sponsor  
5 during the most recent training year as calculated on the last  
6 day of the training year.

7 (2) The total number of contact hours that apprenticeship  
8 instructors for a single applying apprenticeship sponsor or  
9 lead apprenticeship sponsor spent in contact with apprentices  
10 during the most recent training year. For purposes of  
11 this subparagraph, "*contact hours*" includes the time spent  
12 instructing apprentices in-person or, in the case of a lead  
13 apprenticeship sponsor with programs totaling one hundred or  
14 more total instructional hours, "*contact hours*" includes the  
15 time spent in online training if the total amount of online  
16 instruction does not account for more than thirty percent of  
17 the total instructional hours.

18 *d.* By determining the proportion, stated as a percentage,  
19 that a single applying apprenticeship sponsor's or lead  
20 apprenticeship sponsor's total calculated pursuant to paragraph  
21 "*c*" bears to all applying apprenticeship sponsors' or lead  
22 apprenticeship sponsors' total calculated pursuant to paragraph  
23 "*b*".

24 *e.* By multiplying the percentage calculated in paragraph "*d*"  
25 by the amount determined in paragraph "*a*".

26 3. An apprenticeship sponsor or lead apprenticeship sponsor  
27 seeking financial assistance under this section shall provide  
28 the following information to the authority:

29 *a.* The federal apprentice registration number of each  
30 apprentice in the apprenticeship program.

31 *b.* The address and a description of the physical location  
32 where in-person training is conducted.

33 *c.* A copy of the apprenticeship sponsor's training  
34 standards as most recently approved by the United States  
35 department of labor, office of apprenticeship or, in the case



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1 of a lead apprenticeship sponsor, a representative sample of  
2 participating members' training standards.

3     *d.* A copy of the apprenticeship sponsor's compliance audit  
4 as most recently conducted by the United States department of  
5 labor, office of apprenticeship, unless the apprenticeship  
6 sponsor has not been subjected to a compliance audit. In the  
7 case of a lead apprenticeship sponsor, a sampling of audits  
8 from participating members shall be sufficient.

9     *e.* Any other information the authority reasonably determines  
10 is necessary.

11     4. The apprenticeship sponsor or lead apprenticeship  
12 sponsor and the authority shall enter into an agreement  
13 regarding the provision of any financial assistance to the  
14 apprenticeship sponsor or lead apprenticeship sponsor.

15     Sec. 13. Section 260F.6, subsection 1, Code 2014, is amended  
16 to read as follows:

17     1. ~~There is established for the community colleges a~~ A  
18 job training fund is created in the state treasury under the  
19 control of the economic development authority in the workforce  
20 development fund. The job training fund consists consisting of  
21 any moneys appropriated for the purposes of this chapter, plus  
22 the any interest and principal from repayment of advances made  
23 to businesses for program costs, plus the or earnings on moneys  
24 in the fund, any repayments, including interest, of loans made  
25 from that retraining fund, and interest earned from moneys in  
26 the job training fund or recaptures of financial assistance  
27 provided from the fund, and any other moneys lawfully available  
28 to the authority that may be deposited in the fund.

29     Sec. 14. Section 260F.6, subsections 2 and 3, Code 2014,  
30 are amended by striking the subsections and inserting in lieu  
31 thereof the following:

32     2. Moneys in the fund are appropriated to the authority for  
33 purposes of providing financial assistance for job training  
34 pursuant to this chapter.

35     3. *a.* Of the moneys transferred or appropriated to the

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1 fund pursuant to section 15.343 or pursuant to any other  
2 appropriation, the authority shall allocate forty percent of  
3 the moneys for purposes of section 260F.4 and sixty percent of  
4 the moneys for purposes of section 260F.5.

5     **b.** Notwithstanding paragraph “a”, moneys from repayments and  
6 recaptures of funds loaned pursuant to section 260F.4 shall be  
7 allocated for purposes of section 260F.4.

8     Sec. 15. Section 260F.6, Code 2014, is amended by adding the  
9 following new subsection:

10     **NEW SUBSECTION. 4.** The authority may annually expend not  
11 more than two percent of moneys in the fund for administrative  
12 purposes. If the authority’s administrative costs are less  
13 than two percent of the moneys in the fund, the authority shall  
14 expend the unused moneys for purposes of financial assistance.

15     Sec. 16. Section 403.21, subsections 1 and 3, Code 2014, are  
16 amended to read as follows:

17     1. In order to promote communication and cooperation among  
18 cities, counties, and community colleges with respect to the  
19 allocation and division of taxes, no jobs training projects  
20 as defined in chapter 260E ~~or 260F~~ shall be undertaken within  
21 the area of operation of a municipality after July 1, 1995,  
22 unless the municipality and the community college have entered  
23 into an agreement or have jointly adopted a plan relating  
24 to a community college’s new jobs training program which  
25 shall provide for a procedure for advance notification to  
26 each affected municipality, for exchange of information, for  
27 mutual consultation, and for procedural guidelines for all  
28 such new jobs training projects, including related project  
29 financing to be undertaken within the area of operation of the  
30 municipality. The joint agreement or the plan shall state its  
31 precise duration and shall be binding on the community college  
32 and the municipality with respect to all new jobs training  
33 projects, including related project financing undertaken during  
34 its existence. The joint agreement or plan shall be effective  
35 upon adoption and shall be placed on file in the office of the

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1 secretary of the board of directors of the community college  
2 and such other location as may be stated in the joint agreement  
3 or plan. The joint agreement or plan shall also be sent to each  
4 school district which levied or certified for levy a property  
5 tax on any portion of the taxable property located in the area  
6 of operation of the municipality in the fiscal year beginning  
7 prior to the calendar year in which the plan is adopted or  
8 the agreement is reached. If no such agreement is reached or  
9 plan adopted, the community college shall not use incremental  
10 property tax revenues to fund jobs training projects within the  
11 area of operation of the municipality. Agreements entered into  
12 between a community college and a city or county pursuant to  
13 chapter 28E shall not apply.

14 3. ~~The community college shall send a copy of the final~~  
15 ~~agreement prepared pursuant to section 260F.3 to the economic~~  
16 ~~development authority.~~ For each year in which incremental  
17 property taxes are used to retire debt service on a jobs  
18 training advance issued for a project creating new jobs, the  
19 community college shall provide to the economic development  
20 authority a report of the incremental property taxes and new  
21 jobs credits from withholding generated for that year, a  
22 specific description of the training conducted, the number of  
23 employees provided ~~program~~ services under the project, the  
24 median wage of employees in the new jobs in the project, and  
25 the administrative costs directly attributable to the project.

26 Sec. 17. Section 558.1, Code 2014, is amended to read as  
27 follows:

28 558.1 "Instruments affecting real estate" defined —  
29 revocation.

30 All instruments containing a power to convey, or in any  
31 manner relating to real estate, including certified copies of  
32 petitions in bankruptcy with or without the schedules appended,  
33 of decrees of adjudication in bankruptcy, and of orders  
34 approving trustees' bonds in bankruptcy, and a jobs training  
35 agreement entered into under chapter 260E ~~or 260F~~ between an

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1 employer and community college which contains a description  
2 of the real estate affected, shall be held to be instruments  
3 affecting the same; and no such instrument, when acknowledged  
4 or certified and recorded as in this chapter prescribed, can be  
5 revoked as to third parties by any act of the parties by whom it  
6 was executed, until the instrument containing such revocation  
7 is acknowledged and filed for record in the same office in  
8 which the instrument containing such power is recorded, except  
9 that uniform commercial code financing statements and financing  
10 statement changes as provided in chapter 554 need not be thus  
11 acknowledged.

12 Sec. 18. REPEAL. Sections 260F.6A, 260F.6B, 260F.7, and  
13 260F.8, Code 2014, are repealed.

14 Sec. 19. TRANSITION PROVISIONS.

15 1. A financial assistance award made or provided for in an  
16 agreement entered into pursuant to section 260F.3 prior to the  
17 effective date of this Act shall continue as provided in such  
18 agreement.

19 2. Loan payments or repayments and recaptures of principal,  
20 interest, or other moneys accruing on or after July 1, 2014,  
21 pursuant to an agreement under section 260F.3, as in effect  
22 prior to July 1, 2014, shall be transferred to the job training  
23 fund created in section 260F.6, as amended by this Act.

24 EXPLANATION

25 The inclusion of this explanation does not constitute agreement with  
26 the explanation's substance by the members of the general assembly.

27 This bill relates to changes to the job training program and  
28 fund under Code chapter 260F. The bill amends the transfer of  
29 moneys from the workforce development fund to the job training  
30 fund and makes an appropriation. The bill is titled the "Iowa  
31 Apprenticeship and Job Training Act".

32 The bill amends the parties to the agreements under the job  
33 training program and the distribution of funds from the job  
34 training fund. Currently, a community college and a business  
35 enter into an agreement concerning a training arrangement. The

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1 bill provides instead that the economic development authority  
2 and an eligible business enter into an agreement concerning the  
3 training arrangement focused on meeting the workforce needs of  
4 the eligible business. This training may occur through adult  
5 basic education, on-the-job training, job-related instruction,  
6 vocation and skill-assessment services and testing, tuition  
7 and classroom instruction for coursework at community colleges  
8 or regents institutions, and training equipment, supplies and  
9 materials.

10 The job training fund currently is established in the  
11 authority in the workforce development fund and the authority  
12 makes funds available to the community colleges each fiscal  
13 year. The bill provides that the job training fund is  
14 created in the state treasury rather than within the workforce  
15 development fund. The bill transfers \$5 million from the  
16 workforce development fund to the job training fund rather than  
17 allocating \$4 million for the purposes of Code chapter 260F.  
18 The bill also changes language from mandatory to permissive  
19 regarding the requirement of a match from all businesses  
20 participating in a job training project pursuant to Code  
21 chapter 260F. The bill also states that 40 percent of the  
22 moneys in the job training fund is allocated for financial  
23 assistance to eligible businesses and 60 percent of the  
24 moneys in the job training fund is allocated for financial  
25 assistance to apprenticeship programs. However, repayments or  
26 recaptures of financial assistance to eligible businesses must  
27 be allocated for purposes of providing financial assistance  
28 for eligible businesses. The bill provides that the authority  
29 may not expend more than 2 percent of moneys in the fund for  
30 administrative purposes.

31 In the job training Code chapter, the bill transfers the  
32 substance of the definition of an eligible business into its  
33 own Code section. In this Code chapter, the bill also adds  
34 definitions for "apprentice", "apprenticeable occupation",  
35 "apprenticeship program", "apprenticeship sponsor",

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1 "commencement date", "eligible research and development",  
2 "financial assistance", "fund", "lead apprenticeship sponsor",  
3 and "providing services in interstate commerce". The bill also  
4 strikes definitions for "date of commencement of the project",  
5 "jobs training program", "program costs", and "program  
6 services" under the job training program Code chapter.

7 The bill provides that an eligible business may apply to  
8 the authority for financial assistance and the authority may  
9 establish a maximum benefit amount for any one project and a  
10 maximum benefit amount for an eligible business. To receive  
11 financial assistance, an eligible business must enter into an  
12 agreement with the authority. The bill also provides what type  
13 of financial assistance may be offered dependent upon the type  
14 of training provided. Financial assistance is generally in the  
15 form of a loan in an amount equal to 100 percent of the cost  
16 of the project with required future repayment of 50 percent  
17 at 0 percent interest. However, if the training is provided  
18 by a statewide industry association that facilitates training  
19 utilizing industry-recognized standards resulting in portable  
20 credentials for the skilled trade, the financial assistance is  
21 in the form of a grant or forgivable loan in an amount equal  
22 to 100 percent of the cost of the training costs incurred.  
23 Financial assistance for a project conducted by community  
24 college faculty or staff at the community college is also in  
25 the form of a grant or forgivable loan in an amount equal to 100  
26 percent of the cost of the project.

27 The bill also provides that an apprenticeship sponsor or  
28 lead apprenticeship sponsor, as defined in the bill, may apply  
29 for financial assistance when that sponsor is conducting  
30 apprenticeship programs in Iowa for apprentices who will be  
31 employed at Iowa worksites. The bill specifies that financial  
32 assistance is to be allocated to apprenticeship sponsors or  
33 lead apprenticeship sponsors by the ratio of the total number  
34 of apprentices trained and number of contact hours for an  
35 apprenticeship sponsor or lead apprenticeship sponsor divided

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1 by the total number of apprentices trained and contact hours  
2 for all the apprenticeship sponsors or lead apprenticeship  
3 sponsors in the previous training year, then multiplied by the  
4 moneys allocated for financial assistance to apprenticeship  
5 sponsors. The bill provides that in order to receive financial  
6 assistance, the apprenticeship sponsor or lead apprenticeship  
7 sponsor and the authority must enter into an agreement.

8 The bill repeals Code sections relating to the authority's  
9 duty to coordinate the job training program and allocation of  
10 funding to community colleges as that no longer applies to the  
11 newly required agreements and available funding. The bill also  
12 repeals Code sections relating to the business network training  
13 and the high technology apprenticeship program. The bill makes  
14 other related changes.

15 The bill provides transition provisions stating that  
16 financial assistance awards through the job training program  
17 made or provided for under agreements between community  
18 colleges and businesses entered into prior to July 1, 2014,  
19 remain in effect. The bill also states that loan payments,  
20 repayments, recaptures, and any other moneys accruing pursuant  
21 to those agreements shall be transferred to the job training  
22 fund, as amended by the bill.